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Father Jacob and His Wives

David E. Fass

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Overcoming the Remoteness of the Past

Michael L. Morgan

The Rock and the Bush

Raphael L. Jospe

Paul's Jewish Odyssey

Ellis Rivkin

Was Yehudah Halevi Racist?

Lippman Bodoff

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JUDAISM

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STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

Judaism will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

The First Reader

Who Is The Victim?

In the tragic jigsaw puzzle of the Arab-Israel confrontation there are many jagged pieces that complicate the task of putting the picture together. Behind the physical violence and bloodshed of the *intifada* there is an ideological campaign.

It is no secret that protagonists of the Palestinian Arab cause seek to undermine the legitimacy of the Zionist ideal and of the State of Israel's right to exist. One of the principal instruments is the doctrine that the Arabs are victims of a holocaust in which the Jews are the Nazis. In his paper, "Wanted by the Arabs—A Holocaust," *Robert Jancu* examines the manifestations of this far-flung maneuver.

Two Examples of Modern Midrash

Over the last several years we have published a series of "modern midrashim" on the Bible. In this issue we are presenting two more, one on Jacob, and another on his wives.

Jacob is involved in the mysterious incident of the encounter with the angel when he is crossing the Yabbok river from Syria into the Holy Land. The two wrestle all night. Unable to prevail, the angel wrenches Jacob's hip at the socket, and, at dawn, he pleads to be released. When Jacob demands a blessing, the angel changes his name to Israel. Hence, "the children of Israel to this day do not eat the thigh muscle that is on the socket of the hip, since Jacob's hip socket was wrenched at the prime muscle."

The dietary prohibition aside, every aspect of this Divine-human encounter has been the subject of a vast amount of interpretation, primarily midrashic in character. In his paper, "Jacob's Limp?" *David E. Fass* assembles much of this material, which he supplements and enriches by his own comments.

Jacob's family relationship, particularly the rivalry of his two wives, the sisters Leah and Rachel, is narrated in the Bible with extraordinary conciseness within the space of five chapters (Genesis 29–31, 33, 35).

Once again, later readers and interpreters are led by the spare tale unfolded in the Bible to flesh out the account, in the course of which they ask interesting questions and offer answers.

This was preeminently the function of Rabbinic *Aggadah*, which found a later continuation in the work of the Hasidic masters and has been revived and transformed in the recent past to create the literary genre of neo-Midrash.

A fine example of it is “Rachel and Leah” by *Samuel H. Dresner*, in which he casts a new light on the two sisters who vied for Jacob’s affection.

How Does One See The Past?

There are two fundamental senses in which the term “history” is generally used. The first is the objective and critical study of the past that historians seek to discover, a pursuit which has no other purpose beyond the understanding of part of reality. The other is history as the memory of the past maintained by various peoples and cultures. This process, which is obviously selective, is geared to a specific purpose—generally the inculcation of loyalty and the strengthening of identification with a specific religious, cultural or ethnic group.

Thus, the investigation of the date and circumstances of the escape of the Israelites from Egypt is a legitimate concern for the historian. It is distinct from the role that the Exodus plays as the first and, perhaps, greatest chapter in the millennial relationship of God and Israel. There are obvious implications that may be derived from the work of the historian for religious faith, but the two processes are not identical.

In his paper, “Overcoming the Remoteness of the Past: Memory and Historiography in Modern Jewish Thought,” *Michael L. Morgan* contributes to the ongoing discussion among historians today on the relationship of history and memory. He pays special attention to the approaches of Spinoza and Mendelssohn to this central issue. His paper will repay careful reading.

Racism in the Kuzari?

One of the most beloved figures in medieval Jewry is the poet-philosopher Yehudah Halevi. He was a member of a triad of the greatest Hebrew poets of the Middle Ages, together with Solomon ibn Gabirol and Moses ibn Ezra. In addition, he wrote the most accessible work in medieval Jewish philosophy, which is, indeed, a powerful critique of the discipline!

In this work, the *Kuzari*, Halevi presents a conception of the uniqueness of the Jewish people. His views on the subject have been a source of discomfort to many of his readers and, indeed, some have gone so far as to accuse him of racism.

In “Was Yehudah Halevi Racist?” the charge is discussed and re-

butted by *Lippman Bodoff*, who seeks to explain the sources of Halevi's point of view.

Anti-Semitism is an Old Story

The paths by which intellectual influences pass from one community to another constitute a fascinating and largely mysterious phenomenon in cultural history. Often there is no external evidence to support the transfer of ideas and attitudes from Jews to Christians, and vice versa; yet, the parallels are too striking to be purely a coincidence.

A case in point is presented by *Joshua Berman* in his essay, "Aggadah and Anti-Semitism: The Midrashim to Esther 3:8," in which he examines various charges against Jews and Judaism that are cited in the Aramaic *Targum Sheni* of the Book of Esther. These accusations were the staples of anti-Jewish pronouncements by Greek anti-Semitic writers and by several of the early Church Fathers.

There Was a Burning Bush

In this issue of JUDAISM we introduce a new genre not hitherto represented in our pages. For many years Jewish literature contained *Sippurei Nifla'ot*, "Tales of Miracles" and *Ma'asei Zaddikim*, "Deeds of the Saints," which retold tales of wonders that were associated with sacred sites or the lives of rabbis, *rebbeim* and other extraordinary characters.

In his essay, "The Rock and the Bush," *Raphael Jospe* presents an account of a strange natural phenomenon associated with the region of Mt. Sinai, where Moses had his first unforgettable encounter with God in the burning bush (Ex., Chap. 3).

This paper, however, is a wonder tale with a difference. The author cites several medieval and modern writers who testify that travellers found the image of a burning bush imbedded in the rocks gathered from the slopes of Mt. Sinai. He then proceeds to offer a scientific explanation for this apparently supernatural phenomenon and closes with a deeply moving quotation from a modern writer on the overlapping dominions of the living and the inert in the universe.

Accounting for Zolli's Conversion

In a previous issue, JUDAISM published an account by *Wallace P. Sillanpaa* and *Robert Z. Weisbord* of the tragic episode of the conversion to Catholicism of Rome's chief rabbi during World War II. Incredible as the fact appeared when it made the headlines of newspapers, there was, obviously, a background both in the life of the individual involved and in the history of the community which helps explain the event. Our understanding is advanced by the authors' concluding paper in this issue, "The Zolli Conversion: Background and Motives."

Emil G. Hirsch and Occupational Therapy

One of the most influential and brilliant rabbis in the American Reform rabbinate was Emil G. Hirsch of Chicago, who is generally remembered today for his espousal of radical Reform during the heyday of its "classical" period. However, many facets of his activity are often overlooked, as, for example, his contributions to the *Jewish Encyclopedia*, for which he wrote many of the Biblical articles.

In her paper, "Rabbi Emil G. Hirsch: A Pioneer in Occupational Therapy," *Estelle Breines* calls attention to a further and unknown facet of Hirsch's wide-ranging interests. He was a pioneer in what was a new field of human concern in his time.

Paul Was A Jew

One of the most influential figures in history is Paul, widely regarded as the real founder of Christianity. In a recently published volume, *Mythmaker: Paul and the Invention of Christianity*, Hayyim Maccoby goes so far as to argue that Paul did not merely secede from Judaism, but that all his claims to a Jewish background are totally false.

In "Paul's Jewish Odyssey," *Ellis Rivkin* rebuts Maccoby's approach and presents a deeply moving defense of Paul as a totally Jewish believer, a consistent Pharisee of the Pharisees throughout his life and his activity as a missionary for the new faith.

These two diametrically opposed portraits of Paul offer a striking illustration of how difficult it is to arrive at the truth in dealing with historical questions. Most scholars, I believe, would opt for an intermediate view somewhere between them. The Rivkin essay in this issue of JUDAISM, like the Maccoby volume, is an exciting contribution to Paulinian studies.

R.G.

Wanted by the Arabs—"A Holocaust"

ROBERT JANCU

SINCE THE BEGINNING OF DISTURBANCES IN Israel's occupied territories, Palestinian spokesmen have been comparing the situation to that of the German treatment of the Jews forty-five years ago—an analogy far more obscene even than the likening of Israel to South Africa. According to Arafat, speaking at a U.N. panel on human rights in Geneva, Israel is duplicating "today the same crimes committed against humanity at the hands of the fascists and the Nazis." At the U.N. in New York, Saudi Arabia and Syria have labelled Israel's handling of the riots as Nazi-style atrocities. When Palestinians protested several months ago outside the Vatican, they decried what they termed Israel's "genocide" of their people. The well-publicized attempt to launch a "ship of return" with 130 Palestinian deportees aboard to Haifa, in anticipation of an Israeli refusal to permit a landing, was intended to draw a parallel between the plight of today's stateless Palestinians and of Jewish refugees in the 1940s.

The motivation for such comparisons is transparent. Half a century ago, the Jews appear to have elicited international sympathy for their suffering, which contributed to the U.N.'s decision to establish a Jewish homeland in Palestine. By drawing an analogy between their plight and that of the Jews during the Holocaust, in effect appropriating this history as their own, the Palestinians hope to procure the same benefit: restoration of a homeland. Usurping the suffering of their adversaries not only bolsters their own credentials as a persecuted people, but also subtly denies to the Jews a link to their own historical persecution. The intent is to sever the connection, before the court of world opinion, between the Jews' desire to retain their homeland and the oppression in the Diaspora that made return to the homeland imperative.

The parallels which the Palestinians draw need little refuting. The death toll of Palestinians in the riots has, indeed, risen tragically high; but to compare it with the number of Jewish victims in the Holocaust is a shocking and cruel mockery. Applying the term "atrocities" both to Nazi methods of extermination and Israeli techniques of riot control conflates obvious incommensurables. The "ship of return" stunt is particularly offensive. Though the Palestinians announced that they wished to draw a parallel only with the post-war Exodus refugee ship, their intended voyage in fact conjures up memories of wartime refugee ships,

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especially when viewed in the context of the rest of their rhetoric about being victims of Nazi-like genocide. As with the other analogies to fascism, this one is obviously false; the Palestinian refugee ship bears no resemblance to Jewish refugee ships. Once barred admission to Haifa, the Palestinians on board could then sail on to just about any port, disembark, and scatter to the various lands in which they currently reside. A half-century ago, however, ships packed with thousands of Jewish refugees fleeing Europe were denied access to Palestine and everywhere else, including the United States. The journeys of these Jews too often ended in returning to Europe and its death camps, as with the *St. Louis*, or being sunk, as with the *Struma*, *Salvador* and *Patria*. The reprehensibility of the analogy between the “refugee ship” of the Palestinians and those of the Jews is amplified by the ugly calculation which motivates it—an attempt to transform a Jewish catastrophe into a publicity windfall for Israel’s enemies.

To regard Israel’s attitude in its conflict with the Palestinians as racist, which is what invoking a parallel with Nazism and genocide implies, is more than a strategy to discredit Israel and deny its connection to its own history. It also disguises precisely these racist, even genocidal tendencies within the anti-Israeli camp. As Martin Luther King pointed out, “when someone criticizes Zionists, he means Jews.” Why is it that Israel is the only state for whose sins its very legitimacy, its very right to exist, is always called into question? When Syria massacres 20,000 of its own citizens, as it did in a single riot in Hama in 1983, do we say that Syria has no right to exist? When do we even ever mention this appalling incident? The United States displaced millions of native Americans, killing one and a half million in the process. Do we say that the United States has no right to exist? Despite the U.N.’s establishing Israel in 1948, speeches there in the last decades have called not just for Israel’s reform, but also for its eradication. The unofficial slogan of invading Arab armies, as is well known, has been to “drive all the Jews into the sea.” Typical of Arab pronouncements is former Iraqi President Arif’s declaration that “The armies of the liberated Arab countries . . . have a sincere wish for and determination to wipe out this shame, wipe out Israel.” Just as Hitler considered the very existence of the Jewish people to be an aggression, Nasser stated on the eve of the Six Day War that “Israel’s existence in itself is an aggression.”

Apparently the world’s habit of thinking of the Jewish *people* as expendable has made it possible to think of the Jewish *state* as expendable. In this regard, the Jews are, indeed, uniquely “chosen.” It is one thing to object to certain Israeli policies; it is quite another to oppose the sheer existence of a Jewish state. Singling Israel out from all other nations in deeming the validity of its existence as open to question is an act disturbingly similar to the mind-set which singles the Jewish people out as the one group whose existence is revocable. Anti-Zionism and anti-Semitism are, then, perhaps theoretically identical. Confirming this

suspicion, at least in the case of the Arabs, is the strong historical nexus between Arab anti-Zionism and the actual Nazi annihilation of the Jews.

Perhaps we could dismiss Arab genocidal posturings as so much bluster were it not for this nexus. Even before the Second World War, Arab anti-Semitism mirrored Europe's in its violence. In the early 19th Century, pogroms ravaged the Jewish community in Algeria; in one, three hundred Jews were slaughtered, while, in another, Algeria's Chief Rabbi was decapitated. During the era of Russian pogroms, Moroccans conducted their own: 30 dead in Casablanca in 1907, 40 dead in Sellat in 1908, and 60 dead in Fez in 1912. The Grand Mufti of Jerusalem, Haj Amin El-Husseini, fomented violence continually in the 1920s and '30s, naturally on the pretext that he was trying to combat Zionism. Yet, in the riots that he inspired in 1929, most of the 133 Jewish dead and 339 wounded were "pious Jews, living in the Holy Places" as Conor Cruise O'Brien observes, many of whom were emphatically anti-Zionist, as many ultra-Orthodox tend to be. The Palestinian revolt of 1936–39 was funded by the Nazis, according to the American Christian Palestine Commission and the records of the German High Command in Flensburg, Germany. This is one of the early indications that Arab anti-Zionism was not only spiritually, but was also actively, in collusion with Hitler.

The Mufti was an honored state guest in Berlin during the Second World War. In his wartime radio broadcasts to Arab lands, he praised Hitler's policies regarding the Jews. The result was a pogrom in Baghdad in 1941 in which between 200 and 600 Jews were murdered. The Mufti was personally responsible for the shipment of 900 Hungarian Jewish children to Poland's gas chambers—children who were about to be released by Horthy to Palestine. He was given a tour of Auschwitz and Majdanek, and requested that Hitler deal with Palestine's Jews in the same manner as he had with Europe's. In a 1940 letter, the Mufti expressed his intent

to settle the question of Jewish elements in Palestine and other Arab countries in accordance with the national and racial interests of the Arabs and along lines similar to those used to solve the Jewish question in Germany and Italy.

Hitler declared Arabs to be "honorary Aryans" and promised that, once the war with the Soviet Union was over, Germany would lend more direct support to Arab interests as defined by the Mufti. After the war, the Mufti was declared a war criminal, yet he resumed leadership of the Palestinians. Portraits of Hitler often hung in Arab homes in Palestine in the 40s, just as portraits of Eichmann reportedly became common decor in Arab homes two decades later when he was brought to justice in Israel.

In the 1950s, Sadat published an open letter addressed to Hitler, in which he hoped that Hitler were still alive and praised him for his

deeds against the Jews. Syria today harbors the most wanted Nazi war criminal in the world, Alois Brunner, Eichmann's right-hand man. Refusing all requests that he be deported, Syria even provides Brunner a platform from which he continues to praise Hitler's Holocaust while, at the same time, exhorting Israel's neighbors to obliterate utterly the Jewish state. The Arab world is the last place on earth where there is wide circulation of the *Protocols of the Elders of Zion*, a document which was forged in 1905 by the Czarist secret police and which clumsily purports to be the plans for a Jewish world conspiracy—a document which was a reading staple of Hitler's Third Reich. Leading Egyptian writer Anis Mansour has written:

People all over the world have come to realize that Hitler was right, since Jews . . . are bloodsuckers . . . interested in destroying the whole world which has . . . expelled them and despised them for centuries . . . and burnt them in Hitler's crematoria . . . Would that he had finished it.

Saudi Arabia is a principal funder of the Institute for Historical Review in California, an organization whose mission it is to "expose" the Holocaust as a hoax.

Even after the Second World War, Arab nations have not refrained from indulging in pogroms, such as the massacre in Aden in 1947 in which 82 Jews were killed, and a seven-day rampage in Egypt in 1948 that left 150 Jews dead. A pogrom in 1947 in Aleppo, Syria, included putting sacred Jewish books to the torch. Three major pogroms occurred in Tripoli, Libya, between 1945 and 1948; in the second alone, 130 Jews were killed. Again the putative motive for this wanton anti-Semitism is anti-Zionism.

The P.L.O. upholds this tradition of indiscriminate violence against Jews in the name of combatting Zionism. Palestinian terrorists kill citizens of the U.S. and Europe simply because they are Jews. The Israelis do not define their enemies in terms of anyone who belongs to the same ethnic group as their political adversaries. Israeli soldiers do not go on missions to kill Moroccans because they happen to be Arabs (nor do they shoot at rioting Palestinians because they are Palestinians, but, rather, because they are rioting). Yet, any Australian Jew, no matter how tenuous or even hostile his feelings toward Israel, is the potential victim of a Palestinian guerilla, for whom the enemy is defined in terms of race. Designating victims on the basis of race already partakes of the genocidal mind-set.

Enmity toward the existence of the Jews *as a people* is an explicit doctrine of the P.L.O. Covenant: "Judaism, being a divine religion, is not an independent nationality. Nor do Jews constitute a single nation with an identity of its own; they are citizens of the states to which they belong" (from Article 20). Arab leaders deplore the suggestion that there is no *bona fide* Palestinian people but, instead, a motley group of Bedouins and immigrants from neighboring Arab states. Yet, the P.L.O. doc-

ument hypocritically denies precisely this about the Jews. Articles 4 and 5 claim that Palestinian identity is inherited by children born outside the territory of Palestine; thus there will remain a discrete Palestinian people even if it fails to reconquer Palestine for 2,000 years. One would expect that if a Jewish nation existed in Palestine 2,000 years ago, then that Jewish national identity could also be hereditarily preserved, for there is no reason why the principle of hereditary retention of nationality should apply exclusively to Palestinians. No such luck. Since the Jews today have no right to Palestine because they are not a people, logically this entails that the Jews *never were* a people, for otherwise they, too, would have remained a people by the principle of inheriting national identity and would retain the hereditary right to occupy at least a portion of Palestine. Apparently, Palestinians intend to do away with the Jewish people not just as they are today but as they ever were historically. By their reckoning, there never could have been a Jewish people. This sort of abstract historical genocide is in some ways even more radical than Holocaust revisionism.

The affinities that the P.L.O. Covenant bears to the Nazi project do not end there. In the Covenant, Zionism is portrayed as a plot to take over the world, reminiscent of Hitler's belief that the Jews conspired to control the world with Zionism as one of their strategies. In *Mein Kampf*, a possible Zionist state is thought of as a land base to co-ordinate global intrigue. Similarly, Article 22 of the P.L.O. Covenant states that "Israel is the instrument of the Zionist movement, and a geographical base for world imperialism." In other words, Israel is not the end-goal of Zionism, but, rather, a means of achieving some form of world-wide hegemony. The natural extrapolation from this, which the document does not fail to make, is that "Israel is a constant source of threat vis-à-vis peace in the Middle East and the whole world." Articles 16, 18, 22, and 23 call on every state in the world to rally against the Zionist plot since its scheming imperialist threat is potentially directed at each and every existing political entity. Given the historical alliance between Palestinian leadership and Hitler, it is unlikely that the resemblance between such anti-Semitic and anti-Zionist rhetoric is merely accidental. As one might expect, the Covenant is worded so as to turn the Jews' own suffering against them: Zionism is labelled "fascist in its methods" (Article 22).

Other examples of Palestinians co-opting the Holocaust to defame Israel occurred during the Israeli intervention in the Lebanese Civil War. The Palestinian Red Crescent cited the statistic of 600,000 civilian casualties soon after Israel entered the conflict in 1982. That figure is one-third of the population of Lebanon and, though patently absurd, the purpose in fabricating it was not accidental—it reminds one of the 6,000,000 Jewish Holocaust victims. In another instance, Palestinian students at an anti-Israel exhibition at Stanford University in Califor-

nia, explained that the Sabra and Shatila massacres could have been carried out only by Jews, because only Jews were sufficiently close to the Nazi genocide in Europe to witness Nazi methods at close range. In other words, having undergone Nazi atrocities, Jews became infected by the evil; their suffering is not an occasion for sorrow, but is, instead, grounds to hate them and inflict more suffering on them. In Jeane Kirkpatrick's words, cited in the July 4, 1988 *Near East Report*, this sort of demonization of Israel is "easing the way for its eventual destruction." "Associating Israel . . . negatively with the greatest tragedy ever to befall the Jewish people" (F. Krantz in *Midstream*, Feb./March 1988) is a potent means to do just that.

These verbal reversals are manifest in all areas of the propaganda war to discredit Zionism, and not just in the usurpation of the Holocaust. When U.S. presidential candidates promise a far-fetched trade policy to Midwest farmers and an unworkable immigration policy to Mexican-Americans in Texas, it's called addressing the constituency's interest; yet, when candidates go to New York and promise not to abandon Israel, it's called "pandering to the Jews." Another example of the double standard with which Israel's actions and comparable actions of Arab states are treated is that when Israeli forces enter Lebanon, it's an "invasion," whereas when Syrian forces cross the border, it's called "entering to restore order."* In the P.L.O. Covenant, the very terms "Covenant" (*mithaq*), "Palestinian Diaspora" (Article 8; *mahajir*), and "return" (*awda*) to the Palestinian "national homeland" (Article 8; *al-watan al-khas*) deliberately echo traditional Zionist terminology. The implication is that if the Palestinians endeavor returning to their homeland from their diaspora, a right deriving from some form of covenant, then the Jews have no business claiming the same for themselves.

By accusing Israel of the crimes of its enemies and arrogating to themselves Zionism's own self-descriptions, Palestinian leaders hope that a dirty war of inverted words and images will be more effective than the military struggle has been thus far. Indeed, one can interpret today's riots as an attempt to make the metaphor of Palestinians-as-fascism's-victims stick. It is less a genuine military struggle than it is a ploy designed to churn out martyrs: martyrs for an Arafat for whom "stones are gems," seemingly more precious than Palestinian lives. Young Palestinians provoke violence while chanting both "Kill us all" and "Death to the Jews." These two slogans, expressing the desire to suffer a Holo-

* Whatever its motivation, American television, too, seems bent on operating a double standard. Thus, to pluck one instance out of many, a news broadcast on Sunday evening, October 9, 1988, reported that over 240 Arabs had been killed by government troops during three days of rioting in Algiers. This news report took one sentence, sans pictures. It was followed immediately by a report that two Arabs rioting in Nablus had been killed by Israeli soldiers. The report was amplified by a generous collection of pictures on the screen. (R.G.)

caust as well as the desire to perpetuate one, are only superficially schizophrenic. At root, they are functionally coordinated. What better way to rationalize one's intended violence than by ascribing it to the intended victim? The rioters look to *simulate* a Holocaust in order to justify a pre-planned retribution. As the Egyptian weekly, *El-Nur*, editorialized on October 22, 1986, "We wait for the moment that all Jews will gather in Palestine and that will be the great day for enormous massacre."

Certainly, the present riots did not originate in order to provide Palestinian leaders with the Holocaust that they thought they needed to neutralize the legitimacy which Zionism unwelcomely derived from Hitler's Holocaust. The riots began as the spontaneous combustion of an intolerable situation. Nevertheless, the fiction of an ersatz Holocaust has been woven out of the riots in order to compensate for the lack. Edward Said, the leading P.L.O. spokesman in the United States, unwittingly confessed this "Holocaust envy," as Freud might call it, when he wrote in *After the Last Sky*, "We have had no Holocaust to protect us with the world's compassion." Palestinians, convinced that the Holocaust is the difference between the existence of a Jewish state and a Palestinian one, are determined to have a Holocaust to call their own, thus misrepresenting the suffering of both parties and, thereby, only increasing and prolonging it.

The rhetoric of genocide is, clearly, no new addition to the Palestinian arsenal of words. The recent innovation is its inversion. The invading Arab armies always had a P.R. problem in the West: they seemed like a Goliath trying to thrash a David. Ironically, Israel's successful self-defense against overwhelming odds has cost it dearly. Unaccustomed to Jews fending off their attackers, the world handled its cognitive dissonance by branding the 3 million Jews of Israel the Goliath, and its 190 million Moslem neighbors the David. Today's Palestinian youths hurling rocks, sometimes with slingshots, against armed soldiers, seem powerfully to confirm this myth. In hopes of entirely shedding the Goliath image, Palestinian spokesmen naturally wish to dispel their reputation as genocide-mongers. The embarrassing, long and undistinguished history of their genocidal rhetoric and its partial fulfillment in the racist bent of anti-Semitic—not just anti-Israeli—terrorism, are effectively effaced simply by imputing these same evils to the enemy. Elie Wiesel, commenting on the U.N. resolution in 1975 which equated Zionism with racism, noted that "this is not the first time that the enemy has accused us of his own crimes."

In the mid-70s, mass murderer and cannibal Idi Amin delivered a speech before the U.N. General Assembly in which he called for Israel's "extinction." He received a standing ovation and, the next day, a public dinner in his honor by then U.N. Sec. General Kurt Waldheim. Fitting. Though it is no longer fashionable for an Amin, Waldheim, or Arafat

to speak openly on the destruction of Jews and their state, the obscene discourse still thrives, not in the form of an overtly stated intention, as formerly, to be sure, but now as a libel—a suitable tactic for a P.L.O. trying to change its image. The history of anti-Semitism shows what a vital role libel plays in animating hatred of the Jews. Claims such as that Jews steal Christian children to bake matzohs with their blood, that they killed God, desecrate “hosts,” are conspiring to take over the world, or are racially inferior tainters of Aryan blood, have all served as pretexts, the absurdity of the claims notwithstanding, to justify literally millions of murders. The addition to this already formidable list of the fantastic claim that Israel is a Goliath Nazi-state perpetrating a genocide on the Palestinians, is one with fearsome potential to inspire hatred. The discourses of genocidal intent and of genocidal libel are both lethal. To stem the contaminating prowess of the latter we must recognize it as a facade for the former, and denounce it as such.

Jacob's Limp?

DAVID E. FASS

A LIMP, A HANDICAP. IS THIS SOMETHING TO highlight? Not just anyone's limp, either, but a Patriarch's limp, Jacob's limp, a wound caused by a man-messenger-angel-God with whom he wrestled that night on the banks of the river Jabbok (Gen.32:23–33). This hobbling is memorialized, triumphantly, for all time, at the dinner tables of Israel:

That is why the children of Israel to this day do not eat the thigh muscle that is on the socket of the hip, since Jacob's hip socket was wrenched at the thigh muscle (Gen.32:33).¹

Tradition greatly extends and expands the prohibition to include not simply the thigh muscle, but the entire region through which the sciatic nerve runs. This rule is in force both inside and outside of the Land of Israel, during the existence of the Temple and after its destruction, in regard to consecrated and unconsecrated animals, domesticated cattle and wild animals and applies to both the right and the left hip.² Not eating the forbidden nerve-sinew-tendon applies to the widest possible sphere of humanity. It is binding not only upon the Jews but upon all the offspring of Noah.³

Why this intensity of focus, this glorification of an imperfection and a weakness? Because Jewish midrashic and commentative tradition hears in the incident of Jacob's limp reverberations of central human issues far beyond a distinctive style of eating. What those issues are, and what they might imply, is the subject matter of this analysis.

In his discussion of Jacob struggling at the Jabbok, Arthur Waskow remarks that, "wrestling feels a lot like making love."⁴ Rabbinic tradition finds similar echoes in the words of the story itself, noting a linguistic congruence between "wrestle" and "dust." Both are formed from the same three root letters: alef, bet, kof, (*avak*).⁵ The suggested etymological connection between the two is the dust kicked up when two

1. *Tanakh, A New Translation of the Holy Scriptures According to the Traditional Hebrew Text*, (Philadelphia, Pa.: The Jewish Publication Society, 1985). All further English quotations from the Bible, unless otherwise noted, are from the same source and are cited in the body of the text by chapter and verse.

2. Mishnah *Hulin*, 7:1.

3. B. Tal. *Hulin*, 90a, 100b.

4. Arthur I. Waskow, *Godwrestling* (New York: Schocken Books, 1978), p. 1.

5. See, for example, Rashi to Gen. 32:24.

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people wrestle. The *Zohar* asserts that the dust kicked up by Jacob's opponent was sterile, barren ashes in which nothing could grow.⁶ But a different source claims that all of the gains made by Jacob's descendants, any successes in the performance of *mizvot*, industry, commerce, even war (presumably against enemies, not brothers), were due to the dust of the fruitful earth, kicked up at the Jabbok, that would grow seed if only it were watered.⁷

How does the midrash make the transition from seeing the dust as the sterile ashes of a burning aggression in which nothing grows but pain, to seeing it as fertile earth awaiting the moisture of tenderness to sprout a loving garden of accomplishment? One of our legends sees in the dust an allusion to circumcision, in that dust was thrown over the wound, presumably to help it heal.⁸ Can Jacob's sexuality be the key to this transition and to our understanding of his triumph at the Jabbok? Is his wrestling an attempt to resolve an essentially sexual conflict?

In ancient Semitic⁹ and Greek symbolism¹⁰ the thigh where Jacob is wounded, "is a seat of life and especially of procreative power. . . ." Gaster notes that, in Greek mythology, the God, Dionysus, whose passion for orgiastic revelry is proverbial, "is said to have been born from the thigh of Zeus."¹¹ Many Jewish sources in commentary and midrash present Jacob's wound as a sexual one. The angel's touch somehow injured those of Jacob's offspring who would endure the Hadrianic persecution.¹² The Ladino anthology, *Me'Am Lo'ez*, insists that Jacob was hurt on the inner thigh next to the sex organ. His punishment was sexual because so was his transgression: marrying two sisters, which violates one of the Torah's commandments.¹³ Elie Munk cites the *Zohar* to the effect that the area of Jacob's wound "constitutes the physical support for the genital organs," and that we refrain from eating this muscle because it makes us forget proper morality and engage in wantonness.¹⁴ In a more general sense, the thigh joint "is an allusion to the

6. *Zohar*, I, 170a, trans. by Harry Sperling and Maurice Simon (London: The Soncino Press, Ltd., 1984).

7. *Shir Ha-Shirim Rabbah*, III, 6:2.

8. Louis Ginzberg, *The Legends of the Jews* (Philadelphia: The Jewish Publication Society of America, 1968), vol. 6, pp. 131–2.

9. W. Robertson Smith, *The Religion of the Semites* (New York: Schocken Books, 1972), p. 380, note 1.

10. Theodor H. Gaster, *Myth, Legend, and Custom in the Old Testament* (New York: Harper & Row, 1975), p. 211.

11. *Ibid.*

12. *Bereshit Rabbah* 77:3, *Shir HaShirim Rabbah* III, 6:3.

13. *The Torah Anthology, Me'Am Lo'ez*, trans. by Aryeh Kaplan (New York: Maznaim Publishing Corp., 1977), vol. 3, pp. 134–5.

14. Elie Munk, *The Call of the Torah*, trans. by E. S. Maser (Jerusalem: Feldheim Publishers, 1980), Vol. 2, pp. 724–5. I am unable, however, to find the reference in the *Zohar* that Munk has in mind.

region of circumcision.”¹⁵ Malbim on Gen. 32:26 notes that the site of the hip (or thigh) joint can never be separated from physicality because it plays a necessary part in the propagation of the species.¹⁶ Similarly, we do not consume that area lest the lust and desire that it represents become incorporated into us and corrupt our humanity.¹⁷

A similarly sexual understanding, found in a number of places, is based upon the Biblical term for where Jacob was wounded. The Talmud asks: why is the place where Jacob was hit called the *gid ha-nasheh*? Because the sinew (or nerve) shriveled up, *nashah*, when it was hit. The same verb is used by Jeremiah (51:30) to refer to the desolation of Babylon, whose warriors “. . . stop fighting . . . their might is dried up [*nashtah*], they become women.”¹⁸ Rashi uses the same derivation.¹⁹ Gaster notes that this may derive from the fact that the tendon in question shrinks up, shortens, when it is cut.²⁰ Hirsch is quite clear that *gid ha-nasheh* “means the sinew of weakness, dependency, impotence. . . .”²¹ The outcome of the injury is, of course, the awarding of a new name: Jacob becomes Israel (Gen. 32:29). We might well ask, what sort of triumph revolves around a wound that seems to produce at least temporary impotence?

The issue of circumcision is again the key. Jacob, says the midrash, was born circumcized, perfect.²² Freud claims that circumcision is an act of submission to the father.²³ The Jacob who did not need circumcision never submitted to his father, and Isaac made it clear that he preferred his brother, Esau, anyway (Gen. 25:28). It was his mother, Rebekah, with whom he had a close relationship.

The unsubmitive Jacob, a “perfect” specimen doted upon by his mother, a boy who never had to “pay his dues,” grows up dominating others. He seeks, and receives, the birthright to which he had no right by birth order, by trading Esau some lentil stew (Gen. 25:29–34). With Rebekah’s help he dominates both Isaac and Esau by tricking the blind, old man into giving him the deathbed blessing that Isaac wanted to give to his brother (Gen. 27:1–40). When Laban tries to trick Jacob out of

15. Ibid.

16. Malbim, *Commentary on the Torah*, trans. by Zvi Faier (Israel: M. P. Press, Hillel Press, 1982), p. 99.

17. Ibid., p. 104.

18. B. *Hul.*, 91a.

19. Rashi to Gen. 32:32. However, in a personal communication of April 22, 1988, Edward L. Greenstein, of the *Journal of the Ancient Near Eastern Society*, suggests that the roots in Genesis and in Jeremiah are not the same.

20. Gaster, *Op. cit.*, pp. 210–211.

21. Samson Raphael Hirsch, *Horeb*, trans. by I. Grunfeld (London: The Soncino Press, 1962), p. 174.

22. *Ber. Rab.* 63:7, *Midrash Tehillim*, 9:7.

23. Sigmund Freud, *Moses and Monotheism* (New York: Vintage Books, 1939), p. 156.

his wages (the dark sheep and speckled and spotted goats), Jacob turns the tables and tricks Laban. Dominant again, Jacob leaves with his wives and children and much wealth in the form of flocks and herds (Gen. 30:25–43).

At the Jabbok the issue arises yet again. Rashi notes that Jacob's statement to the angel, "I will not let you go unless you bless me" (Gen. 32:27) was actually a request for angelic (i.e., Divine) affirmation of the blessings (i.e., dominance) that Jacob received from Isaac and that Esau disputed.²⁴ One source attributes the hip wound to an ancient custom of carrying important documents tied there. Jacob was presumably carrying the birthright which he had gotten from Esau, in this fashion, and the being with whom he wrestled and who was (in this version and some others) Esau's guardian angel, was trying to take it from him and rip it up.²⁵ The midrash suggests that Jacob even dominated his own daughter, Dinah, locking her away in a box to protect her from Esau.²⁶ Jacob was punished for this, inasmuch as he could not even see the potential for a positive outcome to their meeting.²⁷

But as dominant as Jacob might have been, he is equally susceptible to being dominated and manipulated by others. Is it his mother's idea that he seek his father's death-bed blessing. When he has reservations about Isaac actually falling for the ruse, it is Rebekah who silences him and gets him to proceed (Gen. 27:5–13). Whichever of the two versions we focus on, it is Rebekah's influence in both cases that causes Jacob to leave home (Gen. 29:16–30). According to one legend, Laban understands that Jacob can be dominated by playing on his attraction for women, and is able to keep him in his employ simply by the promise of a wife.²⁸

Dominance equals power and being dominated equals powerlessness, impotence. In Jacob's life, it is the dominance/domination polarity that is the source of much of his greatest unresolved conflict. Certainly, his life history is replete with moments of trickery, ruse, and machination. He was familiar both with being dominated by others (Rebekah, Laban) for their purposes and with dominating others (Esau, Isaac, Laban, Leah, Dinah), for his own. What is largely missing from his life is a solid sense of mastery based on his own accomplishments. Jacob "limps" from event to event on the unsteady foundation of a conflicted character.

Much of Jacob's conflict is made manifest in his sexual life. This can be seen in the *Zohar's* treatment of his remaining alone that night on the river bank. R. Eleazar warns that a man should not go out alone

24. Rashi to Gen. 32:27.

25. *Torah Anthology*, p. 135.

26. *Ber. Rab.*, 76:9.

27. Rashi to Gen. 32:22.

28. *Zohar*, I, 160b–161a.

at night, especially when there is no moon and it is dark. It is then that the “evil serpent” and “he who rides on the serpent” come out, employing all manner of ruses and seductions.²⁹ Lilith, the night-temptress, seduces those who are alone on a dark night to mate with her and produce demon spawn. Though he is “beloved by the Almighty,” this is what happened to Jacob.³⁰

Maimonides³¹ suggests, as does Malbim,³² that, at the Jabbok, Jacob wrestled with himself (though Malbim leaves open the possibility that he then wrestled with another being). Starting with this idea in mind, we can re-read the *Zohar*’s information not as about what was happening to Jacob, but as about what was happening *within* Jacob. Within him there was a struggle, a sexual struggle. How is the serpent (the phallus) to be ridden (used)? Is it to be used to defile, to degrade, to dominate? These primitive impulses come to the fore when the light of consciousness is quiescent and one is alone, away from the civilizing, restraining structures of family and society. Alone and in the dark, Jacob wrestles with the darker side of his own being, a side that has all too often seen the light of day throughout his lifetime.

Throughout his activity as a married man, the conflicts in Jacob’s sexual development are most in evidence. When he first meets Rachel he hardly acts the confident, mature lover. Instead, he impulsively kisses her, and cries (Gen. 29:11)! Then, he is so enamored of his beloved, so desirous of having her, that, like a romantic Knight of the Round Table, he promises to work for seven years before the marriage will even be consummated. The text reinforces the child-like, fantasy world in which Jacob is living by declaring, “so Jacob served seven years for Rachel and they seemed to him but a few days because of his love for her” (Gen. 29:20). Lest we think that serving for seven years before receiving the bride was the standard occurrence, we are told that, after being given Leah instead of her younger sister, Rachel, Jacob promises another seven years of work and this time receives his second bride as soon as the week-long celebration for the first is concluded (Gen.29:27–28). What are we to think, other than that Jacob’s desire for Rachel was a romantic infatuation? Her importance to him was precisely that she remain a distant love, difficult to attain.

Yet, as soon as Rachel did become available, there was trouble: “The Lord saw that Leah was unloved and opened her womb; but Rachel was barren” (Gen. 29:31). How sad to think of poor Jacob struggling (wrestling?) dutifully night after night on the marital bed with the unloved Leah, who conceived again and again, bearing him six sons and

29. *Zohar*, I, 169b.

30. *Ibid.*

31. Moses Maimonides, *The Guide for the Perplexed*, trans. by M. Friedlander, second edition (New York: Dover Publications, 1956), II:42, pp. 236–8.

32. Malbim, *Op. cit.*, pp. 97–8.

a daughter before her sister, the one whom Jacob “loved,” had any children at all!

We must ask: What sort of love was it that Jacob had for Rachel? Is it that she is barren, or is it that, perhaps, with the object of his romantic infatuation, he is impotent? That possibility is certainly part of the story. Reuben, Leah’s eldest, finds some mandrakes, and gives them to his mother. Rachel asks for them, promising that Leah can bed with Jacob that night by way of trade (Gen. 30:14–16). In folklore, the mandrake is both a cure for female sterility and an aphrodisiac for male impotence.³³ It could as easily be one as the other. It could have been the case that Jacob’s sexuality was so wrapped up in dominance and its attendant aggression that he functioned only with a woman whom he did not love, and failed with a woman for whom he had feelings of tenderness and concern. The medieval knight and the Southern gentleman are but two examples of cultures in which this dichotomy was part of the norm, and love and sex were not to be found with the same person.³⁴

That this was Jacob’s problem and not Rachel’s is given further credence by the report of when she finally did have her first child. Leah bore him six sons,

at last, she bore him a daughter, and named her Dinah. Now God remembered Rachel; God heeded her and opened her womb. She conceived and bore a son . . . (Gen. 30:22–3).

Is the appearance of the first daughter the determining factor? It wouldn’t have been for Rachel, but it might have been for Jacob. As long as he had sons, little clones of himself, the status quo was maintained. Perhaps the birth of his first daughter helped him integrate some of the feminine, softer sides of his soul, aspects that previously were either locked away entirely in macho domination or given free reign in sobbing impotence. Only now is Jacob able to approach Rachel fully, as a man loving a woman. The results are what they often are: she conceives and gives birth.

Although Jacob has learned a loving potency that is not simply aggressive domination, all of the old wounds are opened once again as he prepares for the reunion with Esau. The last time when they had been anywhere near each other, twenty years earlier at the time of Isaac’s blessing, Rebekah had warned Jacob that his brother Esau was so angry over the stolen blessing that he wanted to kill him (Gen.27:42). Now that his brother is in the vicinity, “he himself is coming . . . and there are four hundred men with him” (Gen. 32:7), Jacob is right to be afraid.

And, so, that night, Jacob wrestles yet again. Will he be dominant,

33. Gaster, *Op. cit.*, p. 200.

34. For a discussion of how this split between love and sex became part of Western civilization via Christianity’s conception of Original Sin, cf. Robert Gordis, *Love and Sex* (New York: Farrar Straus & Giroux, 1978), pp. 41–58.

or dominated? Who will win the struggle? It is the wound which he incurs that is actually the crucial part of the lesson. Jacob experiences a hurt, a sexual hurt. He allows himself to feel the pain and shame of what has been done to him and what he has so often done to others.

The English translation of Malbim's Torah commentary catches the flavor of this interpretation. The J.P.S. translation for Gen. 32:26 says that the angel "wrenched Jacob's hip at its socket . . ." while Malbim reads the same verse as, "penetrated into the joint of the thigh."³⁵ Jacob grew by allowing himself to feel what it might be like to be sexually dominated, raped, penetrated, and thereafter he rejected such a path in his own behavior. Whatever the outcome was to be, Jacob would meet his brother without ruse or guile, and, it is to be hoped, with love.

The rain of tears does fall to water the dust. When Jacob and Esau finally meet, they embrace and weep (Gen. 33:4). These are not the tears of the child-man falling in love at the well, but of one who has wrestled with God and with himself, and has won a victory. The tears are tears of relief, and also of pain at what this moment of reconciliation has cost. The limp is a hesitating walk, a fitting symbol of the mature consideration of alternatives. Now his desire to dominate has shrivelled up, been made impotent. The adult Jacob can no longer act on blind impulse, but must take care and not run to respond to life's demands.

According to Rashi, the limp, the overt symbol of the pain of Jacob's breakthrough, has healed by the time that Jacob and Esau meet. "The sun rose upon him as he passed Penue!l, limping on his hip" (Gen. 32:31). The sun rose to heal him.³⁶ It is the light of consciousness, of understanding, that helps us heal our psychic wounds. Having seen the light, Jacob comes whole, healed, to the city of Shechem after parting, peacefully this time, from his brother.³⁷

But this is not a fairy tale. There is no happily-ever-after. The lessons that are so painfully achieved at Jabbok are not automatically conveyed to Jacob's children and are not necessarily permanent even for him. In the next Biblical vignette, his daughter Dinah is raped by Shechem. Her brothers (it does not say which ones) use guile to get the men of Shechem to be circumcized. Did their father participate in the machinations, or did they simply follow his example? At any rate, Simeon and Levi kill the Shechemites during their convalescence. Dinah is so thoroughly dominated in all of this that we do not hear a single word from her. Jacob is aware that the actions of Simeon and Levi have placed the entire clan in jeopardy, and asserts his fatherly authority to upbraid them (Gen.34:1-31). A bit later on in the text, after Rachel dies, Reu-

35. Malbim, *Op. cit.*, p. 100.

36. Cf. Rashi to Gen. 32:31.

37. Cf. Rashi to Gen. 33:18, *B. Shabb.*, 33b.

ben, Jacob's first-born, beds his father's concubine, Bilhah. In each of these incidents it is the three eldest sons of Jacob and Leah who are the ringleaders. The offspring of a time in Jacob's life when he was producing children with a woman whom he did not love take a page from their father's book, changing love into domination, aggression, trickery, perversion, even murder.

Is there not an echo of Jacob's own pampering in his favoritism towards Joseph and Benjamin? Is there not a hint of the unresolved birthright issue in Jacob's death-bed, transposed blessing of Menasseh and Ephraim (Gen.48:8–20)?³⁸ There is some weakness there, some conflict still, in Jacob's life. The force of his conflicts has diminished but he will carry the scars of his struggles to his grave.

Thus we are aptly warned to remember the *gid ha-nasheh*, the emblem of Jacob's struggle, to learn to love rather than to dominate. Jacob grew because he was willing to pay the price: the soul-wound incurred when he confronted the realities without and within in all of their awesome complexity. But he could not prevent such injuries for his own children, let alone for the rest of us. This particular item of *kashrut* is a solemn warning that, in the ways that men and women treat each other, there are still deep and painful wounds. Though we have, indeed, come far, there is a long, long way to go before the light dawns on our limping attempts at love and we arrive whole in the city of Shechem, or anywhere else.

38. This idea was suggested by my colleague, Rabbi Andrew Straus.

Rachel and Leah

SAMUEL H. DRESNER

FAMILIAL TENSION IN THE BIBLE IS TYPICALLY sibling and not Oedipal. Indeed, we are hard put to find there examples of the struggle between parents and children which, the popularity of the Greek myth would have us believe, is the central prototype for all family stress. Instead, Scriptures offer us example after example of the rivalry of brothers—Isaac and Ishmael, Jacob and Esau, Joseph and his brothers. And of sisters. For distressing though the episodes of these male relationships were, the most tragic example of such antagonism is that of Rachel and Leah.

Here we have the infinitely compounded woe of sisters who are also wives of the same husband, a practice so frowned upon that it was placed amidst the central list of forbidden sexual relations in Leviticus: *Do not marry a woman as a rival to her sister and uncover her nakedness in the other's lifetime* (Lev. 18:18). One might ask, in view of this prohibition, how such a marriage as that of Rachel and Leah to a single husband could have occurred in the first place.

For this Rachel-and-Leah is marriage; which, I have seen it
Lo, and have known it, is always, and must be, bigamy only,
Even in noblest kind of duality, compound, and complex,
One part heavenly-ideal, the other vulgar and earth:
For this Rachel-and-Leah is marriage, and Laban, their father,
Circumstance, chance, the world, our uncle and hard task-master.¹

Polygamy, while found in the Bible, had virtually disappeared by the time of the Talmud where, of the some one thousand rabbis mentioned, none seem to have been polygamous. While some have argued that polygamy was a way to deal with promiscuity and prostitution, others took a dimmer view.

The Rachel-Leah marriage, however, was not simply bigamy but two “sisters” marrying the same husband; and against this the Biblical prohibition is unmistakable. How did Jewish tradition deal with it? A selection of traditional Jewish answers include the following: (1) The proscription was not yet in effect when this liaison occurred (as when Abraham served his guests a meal of meat together with milk [Genesis 18:8]), the giving of the Torah having followed by many centuries the events of the story. (2) The Rabbis’ assumption that the patriarchs ob-

1. A. H. Clough, *The Bothie of Tober-Na-Vuolich*, ix.

served the Torah even before it was given is understood to apply only when they resided in the land of Israel but not outside of the Land—such as far-off Haran, the locus of this incident—where only part of the Torah was kept. (3) There was divine sanction to violate the law in this particular case, because the future progeny of these marriages would comprise the heads of the 12 tribes. (4) “Since Leah and Rachel each feared that whichever of them did not marry Jacob would become the wife of his brother, Esau, God decided to give them both to Jacob.”²

Whatever the reason for the marriage, it is clear that, as co-wives, the sisters were placed in an untenable situation. After all, both loved the same man, both sought his love, both wished to be the mother of his children, and both felt envy for the other. Thus, *when Rachel saw that she had borne Jacob no children, she became envious of her sister* (30:1); while Leah complained: . . . *you have taken away my husband* (30:15)!

2

The dramatic development of the story reflects a divine pendulum, now swinging toward the one sister and now toward the other. At first, the movement is in the direction of Rachel, the young beautiful shepherdess whose meeting at the well evokes Jacob's love; then Leah, favored by the custom of marrying off the elder sister first, is substituted for Rachel on her wedding night; then Rachel, who, Jacob insists, be given to him as his wife as well; then Leah, who, because *the Lord saw she was unloved, opened her womb* to an abundance of sons for Jacob, while Rachel remained barren; then Rachel, whose chosen handmaid gives two sons to Jacob *that through her [Rachel] too may have children*; then Leah, whose handmaid also bears sons, followed by Leah herself; and, finally, the pendulum rests with Rachel, whom *God remembered . . . and opened her womb*, so that she conceives and, at last, bears her first son, Joseph.

This fast-moving theatre, in typical Biblical style, is tightly condensed into the fewest verses possible—even less in Hebrew than in translation—concealing such hidden worlds of hope and despair that future writers' fantasies could not but be excited to propound countless expanded tellings of the tale.

The nature of the Rachel-Leah conflict centers upon the issue of *love versus motherhood*. Examples of this are the names that the sister-wives—never the father—gave to their natural and surrogate children. For, in Biblical days, names were not given for the pleasantness of their sound or association, or even to carry on a family name, as was and still is the custom today; they were intended to capture and convey the meaning of the life that they denoted. The names and the explanations of the names given to the children of Jacob by his two wives clearly

2. Nahmanides, *Gur Arye*, *Tikune Zohar* 40.

spell out the motherhood-love disquiet: Rachel, possessing Jacob's love but seeking motherhood; Leah, possessing motherhood but seeking love.

Consider how the names and the meanings ascribed to them by Leah express her yearning for Jacob's love:

Reuben = *See, God has given me a son. . . . Surely now Jacob will love me.*
 Simeon = *The Lord heard that I was unloved and has given me this one also.*
 Levi = *Now will my husband be joined to me, for I have borne him three sons.*
 (Gen. 29:32–34)

Leah already had Jacob as husband-father; now she thought to have his love as well. Her sister's reaction after the birth of a fourth son is sharp and imperative:

When Rachel saw that she had borne Jacob no children, she became envious of her sister; and Rachel said to Jacob, Give me children or I shall die! Jacob was incensed at Rachel, and said, Can I take the place of God who has denied you fruit of the womb (Gen. 30:1–2)?

Rachel's brusque demand seems out of character, unless we see it as the outburst of a woman who could no longer restrain her pent-up frustrations, heightened over years of watching one son after another born to Leah, while she had none. How could she be a wife, even if beloved, without being a mother? Perhaps the implicit rivalry of the sisters foretells the later rivalry between the sons of Leah and Rachel's son, Joseph. Jacob's sharp reply to Rachel's demand/complaint seems, as well, out of character. Why was he not more sympathetic, asks the midrash? Was she not his beloved wife, and was it not natural for her to want children after such a long and vexing wait? Quoting Isaiah: *I have given them, in My house and within My walls, a monument and a name better than sons and daughters* (56:5)—a later sage defends Jacob, arguing that his vexation was meant affectionately, for what he intended by it was that, though he would have wished that she be the mother of his sons, his love for Rachel was un-conditional; he would love her even without children. *An I not more to you than ten sons* (I Samuel 1:9)?

For the two Hebrew nouns with which Scripture denotes the female—*Havah* and *Ishah*—reflect two aspects of her character: (1) *Eve/Havah—the mother of all the living* (Gen. 3:20) [denoting motherhood, the unique quality of her sex], and (2) *Woman/Ishah—who was taken from man/Ish* (Gen. 2:23) [denoting personhood, the universal quality of humanity]. This latter name means that whatever moral or intellectual achievement men are capable of, so are women, as was the case with the matriarchs and many other righteous women.³

In contrast to the names of Leah's children, which signal her desire to win Jacob's love, the names of Rachel's children, the first two of whom are born to her handmaiden, point to her unrelenting drive for motherhood.

3. Yizhak Arama, *Akedat Yizhak*, ad locum.

Thus:

Dan = *God has vindicated me and given me a son;*

Naftali = *I have waged a contest with my sister, and prevailed.*

But, for all of Rachel's jubilation at the birth of these children, her celebration has a hollow a ring as did Sarah's on the birth of Ishmael, for, though Rachel claims and names the boys as her own, quite as she told Jacob she would when she charged him: *consort with [Bilhah], that she may bear on my knees and that through her I too may have children* (Gen. 30:3), these children were, after all, born not to her but to a surrogate, leaving her as much an *akarah* (a barren woman) as before. Rachel's joy is, in fact, short-lived, for Leah, not to be outdone by her sister, follows suit only too quickly. She too, will use her handmaid as surrogate. So Gad and Asher are born. Then mandrakes—an ancient love-potion—are given to Rachel, but, in return, Leah is permitted to return to Jacob and bears Issachar and Zebulun, upon the naming of whom Leah again claims victory. *This time my husband will exalt me for I have given him six sons* (Gen. 30:20). And, as an encore, she bears a daughter, Dinah.

Against Leah's own six sons and a daughter, plus her handmaid's two sons, Rachel can count only two sons, and those two by virtue of a handmaid! The odds weigh more and more heavily on the side of Leah. At this point in the story, when defeat has followed defeat and all hope seems lost, Rachel's persistent wish is at long last fulfilled with the birth of a child. Her words upon naming him must reflect her deepest feelings.

God has taken away my disgrace. So she named him Joseph, which is to say, May the Lord give me another son (Gen. 30:23–24).

Motherhood is her all-consuming concern. The *disgrace* of barrenness has been removed with the birth of this child, but the name that she gives him expresses neither thankfulness for the child nor a reference to her husband. Her mind's eye sees beyond this son to the next; this one is meant only to be a forerunner of the many that, she prays, will follow. Rachel's reproach of barrenness is, indeed, gone, but the completion of her task as a mother is, in her eyes, only beginning.

The pendulum comes to a rest, after having pointed last toward Rachel.

3

Yet, contrary to expectation, there are those who found Leah the more desirable of the sisters. Why? They present a variety of arguments. Leah, who was healthy in body and whole in spirit, needed neither the mandrake-love-potions, which Rachel bargained for, to bear children, nor their father Laban's idols, for religion. They further pointed out that it was a sign of Leah's superior piety that, with the arrival of

Jacob, while both took upon themselves the patriarchs' faith in the one God, Rachel's conversion was tainted by her anticipated marriage, while the purity of Leah's conversion, having no such flaw, was truly "for the sake of heaven." Furthermore, far from her "weak" eyes being a sign of physical disability, they were evidence of moral strength. For just as there was to be a marriage of the younger children, Rachel and Jacob, so were the older children, Leah and Esau, meant for each other, and it was the proscribed liaison with Esau, of whose wickedness she was well aware, which brought to Leah so uncontrollable a weeping that her eyes were affected. According to the Zohar, though the marriage had been arranged by divine fiat, such was the fury, the passion and the pity of Leah's tears that the heavenly decree was annulled. Nor was Leah passive in the switch. For reasons of piety and not romance—aversion to Esau's evil and attraction to Jacob's goodness—she permitted herself a role in the deception. It was only necessary for the lights of the bridal chamber to have been put out and for Jacob, whose wits had, in any case, been dulled through drinking long and late on the night of the wedding feast, to have had his every call for "Rachel" answered. Not until the next day did he awake to the deception: *When morning came, it was Leah!*⁴

A final and still stronger case can be made for Leah than her prayerful annulment of the predestined marriage to Esau. That arrangement was only a heavenly foretelling; but what of her miraculous exchange of embryos already conceived on earth? For, according to this *aggadah*, Rachel's first pregnancy was not with Joseph but with Dinah, while Leah was heavy not with Dinah but with Joseph! But Leah divined that Jacob would be the father of twelve heads of tribes and, knowing that should she bear a son, there would be room for only one more (eleven having already been born: seven from her and two apiece from the handmaidens), she felt that it would be an injustice to Rachel who, even if she succeeded in bearing that single son in the future, would still be inferior to the handmaidens and never achieve the status of a matriarch. For Leah remembered how her sister had "kept silent" when Laban substituted Leah in her place on her wedding night with Jacob. But what could Leah do? She prayed that the embryos be exchanged, one for the other. And so it happened. . . . *after Leah's prayers, she gave birth to a daughter and called her name Dinah (justice). And . . . Rachel . . . gave birth to a son . . . and called his name Joseph* (Gen. 30:21–24). Leah's entreaties were heard. She bore Rachel's Dinah, and Rachel bore Leah's Joseph!⁵

Such are the arguments of those who hold that Leah was first in piety, character and temperament.

Some of the mystics, as well, suggested the superiority of Leah,

4. *Bereshit Rabbah* 70.19.

5. *Torah Shlemah*, Gen. 30:21.

arguing that, while Rachel represented the visible stage of the people Israel's task, the worldly and tangible aspect, the *alma d'itgalya*, Leah represented the invisible stage, the spiritual, recondite world, the *alma d'itkasya*. Leah's eyes, though "weak" in natural vision, were thought to have penetrated the mysteries. Taking as our platforms these two stages, the visible and the invisible, it is possible to construct two periods in the life of the patriarch Jacob: the first, when he is devoted to earthly, perceivable tasks, such as contending with the intrigues of Laban, gaining a livelihood, building a family and facing Esau, during which time Rachel was his mate; the second, after his physical conquests were completed, when his name was changed to Israel and his labors turned more to the invisible world, during which time Leah was his only wife, Rachel having died. The argument continues that these two roles of the patriarchs are further suggested by the fact that Rachel was buried by an open road on the way to Ephrat, while Leah was laid to rest within the hidden recesses of the cave of Machpelah, alongside of Jacob/Israel.⁶

Whatever the merit of the arguments put forth to favor Leah over Rachel, they cannot stand against contrary opinions provided by the widest range of Jewish and non-Jewish literature. The physical contrast between the two, for example, is a favorite point of gentile writers. Chauncey Depew wrote,

I have often wondered what must have been his emotions when on the morning of the eighth year [Jacob] awoke and found the homely, scrawny, bony Leah instead of the lovely and beautiful presence of his beloved Rachel.

Nor should we be surprised that even so knowledgeable a scholar as Browning, who knew the Bible in Hebrew, follows the pattern, most commonly found in pictures of Jesus, of favoring the aryan "Rachel of the blue-eye and golden hair" over the semitic visage of "swarthy skinned" Leah in *The Ring and the Book*!

Other commentators attempt to refute the arguments cited above in Leah's favor. So, for example, the suspicion cast on Rachel for carrying away Laban's idols is rejected in favor of the view that, even at the last moment of departure, she continued trying to wean her father away from idolatry by stealing the *terafim*. Or, in the case of the sisters' "conversion," one could reason that the same grounds used to favor Leah's conversion over her sister's, namely, that it was not muddled by the possible ulterior motive of marriage, as Rachel's might have been, could be turned in equal measure to Rachel's benefit. For, at the time when Leah was substituted for her, Rachel had no knowledge that she would ever become Jacob's wife, and the fact that she did not revert to her former state proves that her conversion was, in fact, not influenced by the prospect of marriage but was pure in intent. Further, when

6. Eliyahu Jessler, *Mikhtav MeEliyahu*, *ad locum*.

Scripture says that Rachel was jealous of Leah, it was Leah's piety that she envied.

But the central event in the life of Rachel, which is seized upon by later writers in a hundred different ways to laud her character, is the quite remarkable silence that she displays to the substitution of Leah for herself as Jacob's wife at the very moment when her dreams of marriage were to be consummated after seven long years of waiting. This restraint was seen as one of her noblest features. While the Hasidic master, Rabbi Levi Yizhak of Berdichev, tells us that moral virtues can be learned from the stories of the Biblical matriarchs, he cites only Rachel, "the merit of whose selflessness during the substitution of Leah for herself, lest her sister be put to shame, *still succors us.*"⁷

Surely the decision for silence could not have been without anguish then, or torment later. But, in the brief space within which the tale is told—the more momentous the event the terser the Biblical description—only the bare bones are given, with no hint as to Rachel's inner feelings. All the more reason for the masters of the midrash to dig and to scrape to search them out. Thus, the name that she gives to one of her handmaid's children, Naftali or "Wrestling," and the meaning that she gives for the name—*Naftuley Elohim niftalti im ahoti gam yakholti* (Gen. 30:8)—is seized upon by the midrash:

I wrestled mightily with myself over my sister's plight. I had already perfumed the marital bed. Rightfully, I should have been the bride, and could have been, for had I sent a message to Jacob that he was being deceived, would he not have abandoned her on the spot? But I overcame my feelings for the sake of my sister.⁸

Another defense of Rachel:

When Scripture says that *God remembered Rachel—and opened her womb* (Gen. 30:22), the midrash takes it to mean that He remembered "that she was silent when Leah was placed in her stead."⁹ But was there not more to be remembered than her silence at the time of the marriage? What of all the years after the wedding when she did not demur? For she did not. And should you object that Scripture states quite the contrary—*Rachel envied her sister* (Gen. 30:1)—understand that it intends but to tell us that she envied the piety and the good deeds of her sister! And this is the reason why there is no substance to the objection that Rachel, being a sinner who violated the prohibition against a second sister marrying the same husband during her lifetime, did not deserve to have been rewarded with a child. For Scripture's justification in forbidding such a marriage, namely, to prevent them from becoming *ri-vals/zarot* (Leviticus 18:18), was not applicable to Rachel, since she was

7. *Kedushat Levi*, 24b.

8. *Bereshit Rabbah* 71.

9. *Ibid.*, 73.

never jealous of her sister, either at the time of the marriage or later.¹⁰

For the mystics, too, despite their esteem for Leah, it is ultimately Rachel who is victorious and whose grave, *kever Rachel*, became, along with the Western Wall and the Cave of Machpelah, one of the three holiest points of pilgrimage in the Holy Land. Rachel's compassion was such that she "achieved more than any of the patriarchs, for she stationed herself at the crossroads whensoever the world was in need." Indeed, the very name Rachel became, in time, a synonym for the Shekhinah, and Rachel's weeping for her children came to symbolize the wandering Shekhinah suffering for the exiled people.¹¹

The virtue that the mystics make of Leah's "invisibility" in the later story of Jacob is intriguing and suits their purposes well, just as it helps to even the balance between the two sisters. Leah's concealment is a matter of record. Once Rachel has died, Leah neither bears another child, nor is she recorded among the consolers of Jacob after the disappearance of Joseph; nor is she mentioned during Jacob's residence in Egypt; nor is anything more said of her, apart from two chronologies and her being buried in the cave of Machpelah. The reason for her obscurity, however, has more to do with human feeling than with inscrutable mysteries. The truth is that she disappeared from the scene because Jacob's inconsolable mourning for Rachel removed Leah as a factor in his life.

4

The tension between the sisters, which we have described, fades as they rise to take their places alongside of Sarah and Rebecca, august matriarchs of the Jewish people. The home parental blessing for girls on Sabbath and Holiday eves invokes the names of the matriarchs, with only one change in the chronological order: Rachel's name precedes Leah's—"May the Lord make you as Sarah, Rebecca, Rachel and Leah." For this we seem to have a precedent in a late book of the Bible. When Boaz takes Ruth in marriage, he is greeted by the people with the words: "May the Lord make the woman who is coming into your house like Rachel and Leah, the builders of the house of Israel" (Ruth 4:11).

From Leah were descended the kings and the priests from the tribes of her sons, Judah and Levi. From Rachel came he who won the birth-right, Joseph—and the messiah from the line of Joseph—his son, Ephraim, the leader of the ten tribes of the northern kingdom, Benjamin, within whose borders were Jerusalem and the Temple, and, later, Esther and Saul. Thus the adage: "only the sons of Rachel can defeat Esau," the arch-enemy of the people Israel.¹² After the exile of the ten

10. *Bereshit Rabbah* 71; *Ketav Sofer*.

11. *Zohar* I 225b, 168b; II 29b.

12. *Bereshit Rabbah* 73.

tribes of the northern Kingdom, sometimes called Ephraim, only two tribes were left, Benjamin, the child of Rachel, and Judah, the son of Leah.

In hasidic literature, the truest successor of the midrash, the apparent sibling rivalry finds its resolution when Rabbi Levi Yizhak reconciles all tension between the sisters and removes all bitterness from Jacob by an intriguing explanation of the passage.

Va-ye-ehav gam et Raḥel mi-Leah (Gen. 29:30), which is variously translated:

Indeed, he [Jacob] loved Rachel more than Leah. (JPS)

He loved her rather than Leah. (NEB)

Both versions agree in the meaning that Rachel was favored by Jacob over Leah. Levi Yizhak, however, gives us quite a different reading, building upon the midrash, but transcending it in a style typical of his work:

He loved Rachel even more than before, because of Leah.

How does he defend this rendition?

It is clear that while Jacob's purpose in working for Laban was to marry Rachel, he, in fact, wed Leah. And it was Rachel who was responsible for this. Now Jacob's love for Rachel was twofold: he loved her for herself, but he loved her even more (*ahavah yeterah*) because she brought him so pious a wife (*zadeket*) as Leah. This then is what the verse is telling us: *Jacob loved Rachel "also" (gam et Raḥel) "because of" Leah (mi-Leah).* Which is to say, **it was because Leah became his wife through the efforts of Rachel, that Jacob felt an additional measure of love for her, over what he felt before.**¹³

So the story is turned on its head. No tension between sisters, no clash between motherhood and love, no anguish of a duped husband. All familial warfare vanishes in the new vision of Levi Yizhak. To him, the matriarchs are models to demonstrate how to overcome family unhappiness through the power of love and the example of piety. Far from Rachel envying Leah, she was responsible for the marriage; and far from Jacob resenting the deception, his love for Rachel is only enhanced thereby. Human kindness and nobility of character conquer society's flaws. The tale is no longer, nor was it ever in Levi Yizhak's view, one of sibling tragedy; it is the record of the trial and the victory of Leah's piety, Rachel's compassion and Jacob's love for the one and respect for the other. Here the story meets an unexpected but, in its way, an authentically Jewish conclusion.

13. *Kedushat Levi*, p. 53.

Overcoming the Remoteness of the Past: Memory and Historiography in Modern Jewish Thought

MICHAEL L. MORGAN

THE PAST IS BOTH NEAR AND FAR, BOTH INESCAPABLE and unreachable. What access we have to it comes through memory and historiography,¹ two vehicles, some think, to a common destination. But the truth about this pair and their relations to past and present is more complex than this simple metaphor conveys. And the complexity comes, in part, from the fact that, while both memory and historiography begin in the present, they nonetheless point to a past that is, as we said, both unavoidably proximate and yet utterly beyond our grasp.

Historians may worry about this complexity, in the course of trying to understand themselves and what they are doing. Yosef Yerushalmi writes in *Zahkor: Jewish History and Jewish Memory*, of his “effort to understand [himself] as a Jewish historian, not within the objective context of the global scholarly enterprise, but within the inner framework of Jewish history itself.”² His task, in other words, is to try to understand the role that Jewish historians and historiography have played within Jewish life and Jewish self-understanding. Jewish experience involves memory, he claims, but rarely has the Jewish historian been its “primary custodian” (xiv). Ritual, social structure, texts—all these and more have been the Jewish vehicles to the past; not the historian and his narrative accounts of people, places, and events. Yerushalmi admits to having begun by thinking this a paradox; he ended by realizing why, at least for him and for post-19th century Jewish historians, it is not paradoxical at all but, rather, manifest and understandable. The Jewish past, viewed from the subjective perspective of the committed Jew, is not the same as that same past viewed—indeed, reconstructed—from the objective standpoint of the scholarly historian.

How, indeed, can Jewish memory *survive* modern historiography?

1. In this paper I use “historiography” to refer to the analysis and writing that historians engage in; “history,” then, refers to the events of the past, i.e., to what has happened.
2. (Seattle, Wash.: University of Washington Press, 1982), pp. xiii–xiv; cf. pp. 87–103.

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How can Jewish collective memory and traditionalism, the communal recovery of the past, survive the success of Jewish historiography after the 19th century? For the historian studies and, indeed, shapes a past that is remote, distant, and isolated, while the faithful devotee recalls a past that is powerfully immediate, assimilated to the world of memory, imaginatively current. The historian produces a past that is very past, while memory finds a past that is very present. The historian returns, so far as he or she is able, to another time; the rememberer welcomes another time into his or her own. To one the past is treated *as past*, to the other *as present*.

I propose the following four theses about memory and historiography in order to clarify this problem. They embody not a program for how these activities might be conducted but, rather, a partial descriptive and analytical account of what goes on when they are performed.³

(1) *Literal memory is subjective*. It is a first-person activity whereby an agent, who has once apprehended or experienced a person, place, event, belief or emotion, but since forgotten it, once again becomes aware of it, usually aided by a current experience that facilitates the new awareness. But it is a first-person experience in two ways. First, remembering is, first and foremost, a kind of internal mental activity or experience which individuals report themselves as performing or experiencing, as having performed or having experienced.

More importantly, literal memory involves the returning to consciousness of images, events, actions, beliefs, emotions, etc. not, as it were, in and of themselves, but, rather, as the rememberer had experienced them or as they had been experienced by the rememberer. That is, we do not remember objectively, from no standpoint at all; rather, we remember subjectively, from a particular point of view. We remember a tree, thereby having an image of a tree viewed from a certain perspective, or we recall a melody, mentally hearing it in a certain way.⁴

Hence, memory depends upon, and valuably reinforces, the identity of the rememberer. Only if we have a sense of ourselves as agents,

3. In trying to say something about how group remembering differs from historiographical understanding I realize that I am treading on very thin ice. In particular, I claim that there is a special kind of objectivity that plays a role in historiography and is impossible for either literal, first-person remembering or "metaphorical" re-enactive group remembering. Some historians today would deny the possibility or desirability of the kind of objectivity that I describe, but I try to defend it as being desirable and possible and, also, as being the kind of notion that 18th and 19th century historians would have found congenial.

4. I think that this subjectivity of memory applies not only to remembering past experiences but, also, to remembering information. In some cases the subjective point of view is *vividly* part of the act of remembering; in some it is not. But it is always present. Philosophers of the 17th century, like Hobbes, realized this when they understood memory as a kind of imagination and imagination as "nothing but *decaying sense*" (*Leviathan*, Ch.II).

etc. could we remember, and only if we had a sense of ourselves as enduring subjects of experience. There is no impersonal recollection. By remembering we both acknowledge that we are continuing subjects and we add content to who that subject is.⁵

(2) *"Metaphorical" memory is imaginatively subjective.* When encouraged or invited to recall a past event which we never experienced or could have experienced and, perhaps, to do so together with others, we are asked to project ourselves imaginatively into the position of experiencing an event or action, described in a certain way and, hence, we are invited to attend to the content as experienced from a particular point of view, the one defined by the way the event is described.⁶ Let us call this type of activity "metaphorical memory." It is frequently associated with reenactment, an activity that emphasizes the imaginative identification with a particular, other agent. For this reason, such invitations to engage in a memory-like experience add to our sense of ourselves as subjects and encourage our sense of "identification" with other selves as cooperative subjects. That is, we come to identify with others who both "recall" the same events as we do and "recall" them as experienced in the same way, from the same point of view. The group of those who "remember" the same event in this way gains a kind of unity through the common point of view which is the standpoint for the act of awareness.

(3) *Historiography is objective.* The historian, that is, considers, describes, explains, and understands a past event or action in its own context and in a way or in ways that frequently are inaccessible to any agents who actually experienced the event. In other words, the historian attends to a remote event, emphasizing its remoteness and its particular historical context, attempts to understand it comprehensively, and does so from a variety of perspectives or from no particular point of view at all. At one level, he or she seeks to accumulate points of view, fully developed, of both agents and later subjects; at another, the historian seeks to transcend all particular points of view in favor of an absolute or unconditioned standpoint from which the event can be viewed as no participating individual or individuals could view it. The historiographical result is a grasp of an event from no particular point of view or, if for narrative purposes, from the point of view of a random,

5. Cf. John Locke, *Essay Concerning Human Understanding*, Book II, Ch. XXVII; John Perry, "Personal Identity, Memory, and the Problem of Circularity," in John Perry, ed., *Personal Identity* (Berkeley, Calif.: University of California Press, 1975).

6. See Zakhor, pp. 44–45. Yerushalmi here discusses the process of identification through commemorative rituals, especially the Passover Seder. He seems to realize that we do not have literal memory here, for he says that "memory here is no longer recollection, which still preserves a sense of distance, but reactualization" (p. 44). I am not sure what he has in mind by this last word, but, without the connection to memory, such an activity will hardly serve as a vehicle for group identification *in terms of an orientation to the past*.

ideally informed spectator or of a particular participant—but *not* the historian's or the reader's particular points of view.⁷

(4) *Hence, while memory brings a past event into a subject's present experience, historiography distances and isolates an event from the present and from the particular experiencing subject.* Memory unites, while historiography separates, the past and the present self. Memory makes the past present; historiography makes the past past. To be sure, the historian thinks about the past and, therefore, it, or an account of it, is the object of his or her *present experience*. But there is no effort to incorporate the past as subjectively given to the thinker. The past is separated, distanced, and insulated from experience in this sense. It is experienced in the present, but it is *not made present* thereby. The historian's thinking is present, but the object of his thinking is "pushed" into the past, whereas the rememberer's action and object, both the *recalling* and the *recalled*, are "drawn" into the present.

Doubtless some will object that history, like memory, is interpretive and, therefore, shaped by the attitudes, concepts, beliefs, and understanding of the historian. Therefore, historiography, no more than memory, really reaches the past itself. Texts and artifacts are interpreted in such a way that an account of a past event or a narrative of a series of events is constructed. But the result, no less than the results of recall, is both present here and now and defined by the resources of the present.⁸

This form of anti-realism may be theoretically right. But even if it is, and even if the historian accepts it, the problem of memory and historiography does not dissolve. The anti-realist wants to blur, or even deny, the distinction that I have described between memory and historiography. In defense, we can say three things. First, even within the context of an overall commitment to pragmatism or anti-foundationalism, one can, and should, still make a distinction between constructing an objective account of a past that is distant and remote from the historical present and appropriating, subjectively, a past event or experience into one's own world as remembered, as an object of recognition, delight, anxiety or attraction.⁹ Some distinction like this has a role to

7. E.g., the historian describes an incident as part of an economic recession or an episode as part of a revolution, when no participating agent could have known that the larger sequence of events constituted a recession or a revolution. See William Dray, "Explaining 'What' in History," in Patrick Gardiner, ed., *Theories of History* (New York: Free Press, 1959), pp. 402–408; W. H. Walsh, *Introduction to Philosophy of History* (London, 1951), pp. 59–64.

8. See Michael Meyer on Yerushalmi's *Zakhor* in *Association for Jewish Studies Newsletter* 36 (Fall, 1986): 14–16, for comments along these lines, specifically with regard to modern Jewish historians.

9. As Sam Westfall put it to me in conversation, historians themselves would want to distinguish making the past relevant emotionally from making it relevant cognitively, i.e., to our understanding.

play for us as agents; it would be a deficiency of anti-realism if it did not allow us to acknowledge a difference that is so present in our experience and is so vividly distinct. Secondly, the issue between memory and historiography is *not settled* by claiming that there is no real, independent past given to us. We admit that both are experiences shaped by the subject's attitudes or concepts. The point is that, even if this is so, we should be able to distinguish awareness of an event as experienced from a particular point of view and awareness of an event but not as experienced from some particular standpoint. Finally, even if *we* doubt this distinction, Jewish thinkers of the 18th, 19th, and early 20th centuries would surely have accepted it, and this is sufficient for our purposes.¹⁰

With these four theses in hand, we can deepen our understanding of Yerushalmi's discussion. In the end, for Yerushalmi, modern Jewish historiography is *not* a mode of Jewish memory at all. Whether pre-modern Jewish historical writing, say that of the 16th century, ever was such a mode of remembering, Yerushalmi only obliquely denies (cf. pp. 73–74). But when, in his last chapter, he comes to the historiography of the 19th and 20th centuries, he is unambiguous. To be sure, to a certain degree when faith and texts no longer validate Jewish self-definition, history may be appealed to, the secularized arbiter of naturalized Jewish commitment. Indeed, such historiography may exist as the “faith of fallen Jews” (p. 86). But, more prominently, “only in the modern era do we really find, for the first time, a Jewish historiography divorced from Jewish collective memory and, in crucial respects, thoroughly at odds with it” (p. 93). Yerushalmi, I must admit, is not as helpful about why this is so. He points to the selectivity of memory but never really shows why historiography, as the objective reconstruction of remote events in their own time, place, and overall context, is at odds with an appropriative memory that incorporates aspects of the past for present response and impact. This clarification is the purpose of our four theses, for they show exactly why historical analysis and historiography are in tension with memory. This tension is the real reason why historiography cannot replace an eroded faithfulness that once was the impulse behind collective remembering.¹¹

In the end, then, the past has multiple ways of being present, and the rise of a modern form of historiographical research makes that past remote and isolated. The really *paradoxical* result of Yerushalmi's dis-

10. To be sure, much historical writing is heavily ideological (which is Meyer's point; see note 8). But even in an ideologically determined piece of historiography we can, for analytical purposes, distinguish the attempt to understand an event in its own context from the appropriative determination and use of that understanding. In the end, propaganda and history may look the same, but history does not *aim* for a onesided vantage point on an event or episode, whereas memory does and must.

11. Cf. *Zakhov*, pp. 93–101.

cussion concerns the outcome of historiographical research, that in recognizing and respecting the integrity of the past, the historian makes the past unrecoverable. Historiography is not a solution but, rather, part of the problem of Jewish memory.

The problem of memory and historiography is a valuable framework for approaching and assessing certain central features of modern Jewish thought. For it is one of the central tasks of Jewish thought or theology to confront and justify the recovery of the past for the present. Indeed, as I shall now try to show, it is a trope that arises early in the history of modern Jewish thought, with Moses Mendelssohn in the late 18th century. We can understand Mendelssohn's thinking in the context of this problematic as an attempt to overcome the remoteness and, possibly, even the irrelevance of the past. But, in order to do so, we need to realize that this problem was, itself, already present for Mendelssohn in a particularly exciting way. First, then, we shall show how the problem of the remote or distant past was already present in the 17th century as a result of early modern historiography and how Hobbes responded to it. Then we shall place Mendelssohn in this framework by clarifying how he takes up a Hobbesian strategy against his own opponent, Baruch Spinoza.

But to accomplish this task we need to sketch a background to Mendelssohn's thought that is not normally appreciated. We will start far afield, but, in retrospect, the following will, I hope, seem neither extraordinary nor unnecessary.

In his brilliant study of English historical and legal thought in the 17th century, *The Ancient Constitution and the Feudal Law*, J. G. A. Pocock shows that, for Hobbes, as well as for his contemporaries, Harrington, Spelman, Hale, and Brady, a certain set of ideas and strategies, inherited from the French legal historiographers of the 16th century and the common law theorists, framed their debate over the relation between past and present. Pocock features the notion of the feudal law and its role in the debates over law, sovereignty, and parliamentarianism. Most of his subtle, stimulating discussion we can ignore. What I want to focus on is the role of historiography in legal and political debate, the ways in which some sought to make the past relevant to the present, and Hobbes' part in all of this, a part that provides the bridge to Mendelssohn's perplexing argument.

Pocock's subject is the role of certain ideas—immemorial custom, ancient constitution, feudal tenure—in legal and political thought in 17th century England, and the relation of these ideas to the development of legal historiography by people like Sir Henry Spelman, William Prynne, Sir Matthew Hale, and Robert Brady. The emergence of legal historiography in the discussion of legal theory had already occurred in France in the 16th century as part of the humanistic return to antiquity, and even if the English experience is insufficiently indebted to

the French predecessors—Cajus, Bodin, Hotman, et al., the conceptual terms for understanding Spelman and the others are present in the Continental discussion. Pocock usefully outlines the earlier Renaissance stage.¹²

Unlike the ancient historians, Thucydides and Tacitus among them, who, for largely moralistic reasons, constructed “an intelligible narrative of human affairs” (p.1), the new historiographers of the Renaissance engaged in research into the past, scrupulously examining texts and, eventually, other evidence in order to determine regular patterns and to refine the modes of investigation that reveal those patterns and their utility for understanding the past. They realized that commentaries had overlaid old texts with new meanings, and so they sought a return to the original text, in its own setting and, hence, to a remote past on its own terms. Pocock calls this stage of humanistic historiography “the threshold of the modern historical consciousness” (p.4),¹³ and it was a threshold that already harbored more than its share of paradox:

. . . the humanists aimed at resurrecting the ancient world in order to copy and imitate it, but the more thoroughly and accurately the process of resurrection was carried out, the more evident it became that copying and imitation were impossible—or could never be anything more than copying and imitation. . . . In short, the humanists, going far beyond their original purpose, relegated Greco-Roman wisdom inescapably to the past, and robbed it, in the end, of all claim to be applied immediately and directly to modern life. . . . Thus their work raised the whole question of the relation between past and present. Was the past relevant to the present? was there any point in studying it? what was the status of its survival in the present? and, perhaps above all, how had it become the present? (pp. 4–5).

This is the problem of modern historiography and present memory already operative in the 16th century. The context for its emergence, Pocock argues—or, at least, one especially challenging context, is the historical school of Renaissance jurists. With the lawyers, the problem of relevance is urgent, precisely because “the data they were assigning to a past context were simultaneously the principles on which present society was endeavoring to govern itself” (p. 8). In short, once the urge to clarify and secure the historical roots of law was felt, the problem of

12. *The Ancient Constitution and the Feudal Law* (Cambridge: Cambridge University Press, 1957, 1987), Ch.1; cf. David R. Kelley, *Foundations of Modern Historical Scholarship: Language, Law and History in the French Renaissance* (New York: Columbia University Press, 1970); Julian H. Franklin, *Jean Bodin and the 16th-Century Revolution in Law and History* (New York: Columbia University Press, 1963).

13. As Pocock argues later, in the course of discussing Brady, it was still a “threshold” in the 17th century, for even Brady was unable to integrate his new understanding of law and society and history with a narrative of men’s deeds; see *The Ancient Constitution*, pp. 225–26.

the irrelevance of the past arose as a vitally practical and not merely a theoretical problem.¹⁴

In the 1560s there appeared a trio of works by French historians of law, all of which tried to solve the problem of bringing "history and jurisprudence back into concord" (p. 11). Their most consequential strategy, which Pocock takes to be prominent throughout English discussion in the next century, is this: Roman codes were "written and unchangeable," expressions of a remotely past society. But the real roots of contemporary law were not in such codes; rather, they lay deep in the soil of the customary, unwritten law of the past. Here was the bridge between past and present, custom, "the usages of the folk interpreted through the mouths of judges," whose relevance is confirmed *de facto* by continued acceptance and utility. "Custom was *tam antiqua et tam nova*, always immemorial and always perfectly up-to-date" (p. 15). Indeed, for this reason custom was doubly available as a means of making the past relevant, for it implied both acceptability and adaptability. Law as custom is both "the ever-changing product of a historical process" and "fixed, unchanging, immemorial" (pp. 173–74).¹⁵ Its use, when viewed in its English, common law context, was manifest in the acknowledgement of immemorial law and an ancient constitution, incorporating rights that precede all sovereignty and establishment. Law as custom is primordial, aimed at superseding the typical monarchical myths of origin and constitution.¹⁶

Pocock has a great deal to say about custom and the ways that it was employed to solve the problem of the remote and irrelevant past. For our purposes, it is sufficient to realize that law as immemorial custom was one important feature of common law thinking and the constitutional debate in pre-civil war England and that, together with its opponents, it generated increased interest in historiography, whether the historian's purpose was to find continuity or discontinuity in the legal and political past. Custom is authoritative because it constitutes the "accumulated and refined wisdom of many generations" (pp. 162–63), because it is the expression of what Sir Matthew Hale called "artificial reason." Its binding force, in other words, derives from continuous reflection, revision, and acceptance. One ought to accept it because history proves that it is right to do so.

Among those who reacted against the idea that "law is law because it is immemorial custom" (p. 162) was Thomas Hobbes, and it is he who provides the link between the problem of the remoteness of the past and Mendelssohn. According to Pocock, Hobbes' opponent was Coke

14. *The Ancient Constitution*, p. 11: "In the name of a more accurate interpretation, a historical interpretation had been formulated; and in the name of historical interpretation, the relevance of the past to the present was apparently being denied."

15. Cf. *The Ancient Constitution*, p. 15.

16. *Ibid.*, pp. 15–21.

and his common law views that (a) most law was law because immemorial and (b) that law of this kind could not have been produced by one person, since it constituted the “accumulated and refined wisdom of many generations” (pp. 162–63). Hobbes’ strategy was to divide the question into what the laws were and how they were identified, on the one hand, and by what mechanism they received their binding force, on the other. His famous answers were, respectively, natural reason and the sovereign’s command. In other words, reason tells each of us what the laws should be, but only the artificial command of the ruler turns these “theorems of reason” into laws.¹⁷

. . . custom alone has no binding force; for custom to become law requires that there should already exist an authority capable of making law by his injunctions. Therefore, no law is immemorial; before there can be law there must be a sovereign; and every law must have been made at a particular point in time (p. 163).

Once again we find a view generated by historiography and, yet, leading to a renewed interest in it. To oppose the weakness of custom, Hobbes introduced sovereign command, fixed historically and continuously effective as long as unrevoked. Custom, by itself, provides neither the content nor the authority of law.

By the 17th century, then, the problem of the continuity of tradition and the remoteness of the past had already been raised and, indeed, confronted, in both a legal and a political context. Moreover, by the late 18th century it was appreciated and appropriated widely by, among others, Moses Mendelssohn.

Early in *Jerusalem*, a work that is centrally about law, Mendelssohn shows us that Hobbes is one of his philosophical predecessors.¹⁸ What I think we can now clarify is how, in Part Two, Mendelssohn’s response to Spinoza concerning the ceremonial law is, in part, indebted to Hobbes’ response to the rise of legal historiography and its use of the idea of custom. In other words, we can show how one of Mendelssohn’s arguments for the continued authority of the ceremonial law—and, indeed, a largely unappreciated argument¹⁹—both responds to Spinoza’s *historical* argument for its obsolescence and utilizes a Hobbesian notion of sovereign command to do so.

One of Spinoza’s accomplishments, in the *Tractatus Theologico-Politicus* (1670), is the development of an historical, critical method for reading the Bible and portraying Judaism in its formative period.²⁰ In

17. *Leviathan*, Chs. XIV–XV, XXVI.

18. Moses Mendelssohn, *Jerusalem*, trans. Allan Arkush (Hanover, N.H.: University Presses of New England, 1983), pp. 35–37.

19. I doubted both the seriousness and the importance of the argument in an earlier article, “History and Modern Jewish Thought: Spinoza and Mendelssohn on the Ritual Law,” *JUDAISM* 30,4 (1981): 467–78.

20. Yerushalmi acknowledges this about Spinoza.

many ways, the *Tractatus Theologico-Politicus* is a work of modern historiography which attempts to understand the Biblical world on its own terms as expressed in an ancient text.²¹ As one result of this study, Spinoza finds that religion is part of political life; it is an aid to the political enterprise. He distinguishes between inward piety, the moral disposition to acts of justice and benevolence, and the “outward observances of piety and the external rites of religion” (Ch. XIX, p. 245). Here we have the distinction between moral virtue and ceremonial or ritual observance. Regarding the latter, Spinoza says:

religion acquires its force as law solely from the decrees of the sovereign. . . . the rites of religion and the outward observances of piety should be in accordance with the public peace and well-being, and should therefore be determined by the sovereign power alone (Ch. XIX, p. 245).

That sovereign is the “temporal ruler,” the king or legislative agent. Furthermore, the sole function of public ritual is to aid the moral purposes of the state by encouraging allegiance to, and acceptance of, the sovereign’s rule. Therefore, when the state is destroyed and sovereignty is ended, the binding character of the ceremonial laws is nullified; as law, obligatory ritual conduct ceases. For the Jewish commonwealth, this occurred in 70 C.E. Spinoza is unequivocal about this: ceremonial observances

had nothing to do with blessedness and virtue, but had reference only to the election of the Hebrews, that is . . . to their temporal bodily happiness and the tranquility of their kingdom, and that, therefore, they were only valid while that kingdom lasted (Ch.V, p. 69).²²

Viewed against the background of the rise of modern historiography, Spinoza’s results echo those of French and English scholars before him. For them, it was Roman codes or feudal law that was found to express and define remote times and places. In the case of those who saw the Norman conquest as a radical interruption in English political and legal life, the result was the relegation of Anglo-Saxon law and practices to an irrelevant past. For Spinoza, it is the ceremonial or ritual laws of Biblical Judaism that are similarly disposed, consigned to a time and place that is remote and defunct. By tying the ceremonial law to an earthly sovereign and by tailoring its roles to a temporal institution, Spinoza undercut its authority and its relevance to Jewish life in the 17th and subsequent centuries.²³

What is Mendelssohn’s response to Spinoza’s historiographical as-

21. Spinoza, as Biblical interpreter, is in the tradition of Isaac La Peyrere and Richard Simon.

22. See generally, *Tractatus Theologico-Politicus*, Ch.V, p. xix.

23. It is interesting to compare Spinoza to the Levellers, because of his views on political freedom and on history; cf. *The Ancient Constitution*, pp. 125–127; 318–320; Christopher Hill, *The World Turned Upside Down*.

sault on the continued relevance of the ceremonial law? In one sense, of course, Mendelssohn's most elaborate response takes shape as a kind of natural law justification of the ritual law. In the second part of *Jerusalem* he argues that the ritual law is a stimulant for recalling those eternal truths without which moral perfection is not possible, a vehicle for enabling moral perfection. In this way, Mendelssohn links the detached objectivity of moral agency to the particular perspective of individuals who have "forgotten" the eternal truths that are necessary for virtuous conduct and who seek to regain them. But the link is a fragile one; in terms of the background that we have sketched, we might take this to be Mendelssohn's way of simply *ignoring* Spinoza's historiography, of refusing to give it any serious credence or of seeking to flee it.²⁴

But, while this argument is Mendelssohn's major one, it does not stand alone. In the course of Part Two of *Jerusalem*, he introduces a second defense of the ceremonial law's continued authority,²⁵ and here we see him employing a Hobbesian strategy²⁶ against Spinoza's already Hobbesian attack. This is what Mendelssohn says:

In fact, I cannot see how those born into the House of Jacob can in any conscientious manner disencumber themselves of the law. We are permitted to reflect on the law, to inquire into its spirit, and, here and there, where the lawgiver gave no reason, to surmise a reason which, *perhaps*, depended upon time, place, and circumstances, and which, *perhaps*, may be liable to change in accordance with time, place, and circumstances—if it pleases the Supreme Lawgiver to make known to us His will on this matter, to make it known in as clear a voice, in as public a manner, and as far beyond all doubt and ambiguity as He did when He gave the law itself. As long as this has not happened, as long as we can point to no such authentic exemption from the law, no sophistry of ours can free us from the strict obedience we owe to the law. . . . If in things human I

24. It is not surprising that Pocock characterizes Locke as responding to Filmer "on the plane of sacred, not national history" (*The Ancient Constitution*, pp. 235–39; 245–50 and his discussion of how the past lost its relevance to the present in the 18th century); see Mendelssohn on Locke, *Jerusalem*, pp. 37–40.

25. On this argument, see Alexander Altmann, *Moses Mendelssohn* (University of Alabama Press, 1973), pp. 547–50; *Jerusalem*, notes by A. Altmann, pp. 235–37. Altmann (p. 236) notices that the argument is implicitly aimed at Spinoza and calls attention to Shlomo Pines' argument that Spinoza may have derived his view, which can be found in Bodin, from Marrano sources. My own point is that Spinoza's historiographical account of the remoteness and irrelevance of the ritual law, together with Mendelssohn's response, fits nicely 17th and 18th century discourse, regardless of the earlier provenance of either Spinoza's views or Mendelssohn's argument against them. The prominence of that discourse provides the context for Mendelssohn's use of the argument, no matter how often it had already appeared in sources familiar to him.

26. The strategy is Hobbesian, in a sense, since it relies on sovereign command, even though the command is divine. See David Gauthier, *The Logic of Leviathan* (Oxford: Oxford University Press, 1969), Ch.V.

may not dare to act contrary to the law on the mere strength of my own surmise and legal sophistry, without the authority of the lawgiver or custodian of the law, how much less may I do so in matters divine? (pp. 133–34).

Those born under the yoke of the law are bound to obey it, as long as its sovereign legislator has given no clear and unambiguous sign that it has been revoked.

In many ways this is a strange argument for Mendelssohn to use. After all, he was a liberal and a contract theorist in the natural law tradition. Why not treat the ceremonial law, historically determined and relative to one people, as subject to reconsideration and abrogation by contemporary Jews? Why not question the continued “relevance” of ritual conduct to moral development? Why not accept the contextual, historical displacement of a type of conduct that has the negative effect of distinguishing and separating a people struggling for civil, public acceptance?

Mendelssohn’s strategy may be more apparent than his reasons for employing it.²⁷ What he does is, in a way, to dispute Spinoza’s historiography by disputing his metaphysics.²⁸ For Spinoza, God enacted or commanded the ritual law only by the action of a temporal ruler; hence, since the ruler was ruler of a state, when the state was destroyed, so was the sovereign authorization of the law. Political demise spells the end of positive law. Mendelssohn’s counter is to argue that God Himself was the sovereign power of the pristine and original Jewish commonwealth; it was His command alone that authorized the law and bound His subjects to it. Having accepted Him, the Jews accepted His will, and, as long as the law is not publicly revoked, it remains in force. In other words, Mendelssohn denies Spinoza’s naturalism and, in so doing, he denies his historiography. God, and not a temporal sovereign, in this case Moses, is the legislator, and, in good Hobbesian style, Mendelssohn argues that since it is legislative enactment or command that gives the ceremonial law its binding character, only such public action can rescind that authority, for, as Hobbes puts it, “when long Use obtaineth the authority of a Law, it is not the Length of Time that maketh the Authority, but the Will of the Sovereign signified by his silence (for Silence is sometimes an argument of Consent).”²⁹ How that action might

27. Cf. David Gauthier, “Why Ought One Obey God?: Reflections on Hobbes and Locke,” *Canadian Journal of Philosophy*, VII, 3 (1977): 425–46.

28. One might compare Maimonides and Spinoza, in the *Tractatus*, on God, nature, and secondary causation. Although Altmann notices correctly that Mendelssohn is responding to Spinoza, he does not develop how the response works; he fails to recognize that there is a metaphysical difference as well as a political one between the two.

29. *Leviathan*, Ch.26. See also Jean Hampton, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press, 1986), pp. 108–110, especially p. 109: “the fact that the sovereign does not at any time after taking office revoke the customary law is

be performed and determined Mendelssohn does not make clear, but that is a minor point. What is important is that the argument takes on a new character when viewed in this way. It is not an inexplicable expression of traditionalism, nor a lapse away from liberalism. Rather, Mendelssohn has read Hobbes carefully, and from *Leviathan* he appropriates a reasonable and serious response to, rather than avoidance of, the historiographical problem of the remoteness and irrelevance of the past. Moreover, Mendelssohn's response calls upon every Jew to play the role of a citizen continuously engaged in a relation of obedience to his divine ruler.

Unlike the earlier and more prominent argument, this one emphasizes the political and historical rather than the moral and timeless relation between God and the Jewish people. Both, as theological justifications, acknowledge the particular individual's point of view but only to transcend it, the one by treating the agent ultimately as a universal moral agent, the other by treating him or her as a covenanted "citizen." But the important contrast is between Spinoza's effort to detach the experience of obedience to the ritual law and to place it in the distant setting of ancient Israel and Mendelssohn's attempt to show that the experience of God as ruler is as possible for modern Jews as it was for ancient ones. In short, Mendelssohn defends the viability of an individual, subjective "remembering" of the divine-human relation conceived as the relation between a Divine ruler and a human subject.

In this paper I have tried to do two things: to clarify the way in which modern historical analysis and writing, what I have called "historiography," forces upon Jewish memory (or the recovery of tradition and the past) and Jewish thought, as it tries to cultivate and justify that memory, the problem of the remoteness of the past, and, secondly, to show how Moses Mendelssohn, for whom the problem is already present in the person and argument of Spinoza, uses a Hobbesian strategy to deal with it. At the same time, I have indicated that the entire problematic of historiography, historical remoteness, and theological justification of memory and recovery might well provide a valuable framework for understanding modern Jewish thought.

Part of the overwhelming character of the problem comes from the fact that, in the modern world, all forms of traditionalism are widely rejected and denigrated, and this is a phenomenon that Yerushalmi himself notices.³⁰ But part may come from another quarter, from the commitment that genuine Jewish religiosity can neither dispose of nor be enslaved to history. Judaism is about history and transcendence and

enough, on Hobbes' view, to allow us to regard it as law." Mendelssohn uses the argument from silence not to justify custom but to justify the continued obligatory character of original, revealed Torah-law.

30. *Zakhor*, pp. 94–101.

their intermingling. The problem of the remoteness of the past and its separation from the present is only one aspect of that enterprise, but it is one that cannot be avoided. For this reason, it is a useful framework for understanding Mendelssohn's Jewish thought and, also, an important backdrop for examining and assessing modern Jewish thought. Such a task would be a valuable and important one, but, for the moment, it is sufficient to have noticed this much, that the conflict between Jewish memory and modern historiography emerges in earlier centuries as a fundamental problematic for Jewish self-understanding.

Ruah

ADAM D. FISHER

Unseen
 Yet felt
 and heard
 From no place
 to no place
 A whole world of
 currents and eddies
 strong and weak
 warm and cold
 Always changing
 Ever present
 is the wind.
 Baruch Adonai, Elohei ha-ruhot.
 Praised is Adonai, God of the world-breath.

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Was Yehudah Halevi Racist?

LIPPMAN BODOFF

THE PHILOSOPHY OF RABBI YEHUDAH HALEVI, as developed in his classic *Kuzari*,¹ has never achieved the standing and respect among secular scholars that it has among religious Jews. One cause, I believe, is Halevi's attribution of racial superiority to the Jewish people with regard to their spiritual and religious qualities.² This difference is evident by comparing the traditional form of sanctity accorded to *Kuzari* in the form of rabbinic commentary, most notably the commentaries, *Kol Yehudah* and *Ozar Nehmad*,³ with the discomfort of scholars like Heinemann and Baron toward Halevi's racial views.⁴ Scholars, like Husik, who take a more neutral stance on Halevi's views, provide little by way of explanation, much less justification, for Halevi's racial view. Thus, Husik observes:

God and the Jewish religion are not simply facts to be known and understood like the laws of science. They are living entities to be acquainted with, to be devoted to, to love. Hence, quite a different way of approach is necessary. And not everyone has access to this way. The method of

1. *The Kuzari* (Schocken 1964). In this paper, references to *Kuzari* are to this edition, translated by Hartwig Hirschfeld, with an Introduction by Henry Slonimsky.

2. The paradigmatic statement of that claim is Halevi's view in *Kuzari*, I, 115, that even converts to Judaism cannot aspire to prophecy, this being reserved to "born Israelites." The full text of this crucial paragraph reads as follows, with some important deviations among the extant translations, noted in footnote 10:

Now we do not allow any one who embraces our religion theoretically by means of a word alone to take equal rank with ourselves, but demand actual self-sacrifice, purity, knowledge, circumcision, and numerous religious ceremonies. The convert must adopt our mode of life entirely. We must bear in mind that the rite of circumcision is a divine symbol, ordained by God to indicate that our desires should be curbed, and discretion used, so that what we engender may be fitted to receive the Divine Influence. God allows him who treads this path as well as his progeny, to approach Him very closely. Those, however, who become Jews do not take equal rank with born Israelites, who are specially privileged to attain to prophecy, whilst the former can only achieve something by learning from them, and can only become pious and learned, but never prophets.

3. The commentaries of R. Yehudah Moscato (*Kol Yehudah*) and R. Yisroel Halevi (*Ozar Nehmad*) may be found, e.g., in *The Book of the Kuzari* (Hebrew), tr. by R. Yehudah ibn Tibbon (Warsaw, Poland; Jerusalem, Israel 1975).

4. Isaak Heinemann, Introduction to "Yehuda Halevi: Kuzari" in *Three Jewish Philosophers* (New York: Atheneum, 1981), p. 24, and Salo W. Baron, "Yehudah Halevi: An Answer to an Historic Challenge," *Jewish Social Studies III* (1941): 264–72.

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acquaintance is open only to those who by birth and tradition belong to the family of the prophets, who had a personal knowledge of God, and to the land of Palestine where God revealed himself.⁵

Note how Husik fails to explain the connection between Halevi's view that the Jewish people were chosen by God to receive God's commandments through the revelation at Mount Sinai,⁶ and the racial idea that only those who are Jews *by birth* have the capacity for prophecy.⁷ Thus, argues Halevi, even converts to Judaism do not achieve that capacity through conversion.⁸ Here, of course, Halevi is *contra* to Maimonides and other halakhists, as far back as the Talmud. Maimonides concludes that converts can affirm that God has "sanctified us" and "commanded us" in the various blessings no less than any natural born Jew, and they have the right to consider themselves as having stood at Mount Sinai and personally heard and received the commandments of the Torah.⁹

Given our modern sensitivities to any philosophy that may be described as racist in character, whether the thrust of such racism is the inferiority of others or the superiority of the claimant, the credibility of all of *Kuzari* is in jeopardy among all but the most devout Jews unless some sense can be made of its racial claims. Unfortunately, no such attempt has been made on a comprehensive basis (at least to the author's knowledge) in any of the literature on Halevi.¹⁰ One writer has

5. Isaac Husik, *A History of Medieval Jewish Philosophy* (Meridian Books and Jewish Publication Society, 1958–60), p. 152.

6. I, 11, 25, 95, 100; II, 56; I. Husik, *Op. cit.*, pp. 156–8.

7. The uniqueness of Jews and Judaism, according to Halevi, rests in the ability of certain Jews (in the past) to attain to the level of prophecy, and in the capacity of the Jewish people—as a nation and individually—to come under, or attain connection with, the Divine Influence (*"Inyan ha-Eloki"*) (I, 4; II, 12; III, 1 and *passim*). Individuals who attain the latter spiritual level are called "pious," which is just below the level of prophecy (III, 11, 17, 20).

8. *Kol Yehudah* and *Ozar Nehmad* comment on I, 115 that the converted Edomite prophet, Obadiah, was a special case, and note that an exception does not negate the (Halevi) rule. Balaam was the last of a special group of *heathen* prophets. (Louis Ginsberg, *The Legends of the Jews* III [Jewish Publication Society, 1968], pp. 355–6).

9. H. H. Ben-Sasson, ed., *A History of the Jewish People* (Harvard University Press, 1976), Part V, pp. 535–7; Isadore Twersky, *Introduction to the Code of Maimonides* (Yale University Press, 1980), pp. 485–6. However, the king and certain other community officials had to be born Jews. (Tractate *Sota*, 41b [*Tosafot*] and *Yevamot*, 45b).

10. Guttman makes an attempt to do so but is incomplete and problematic in certain respects. (Julius Guttman, *Philosophies of Judaism* [New York, 1964], pp. 126–7; see also *Kuzari*, I, 111). For example, Guttman states that converts can come under the Divine Influence (p. 127). This view is problematic, depending on the translation that one adopts of I, 115. Some read that converts may perhaps be successful in receiving the Divine Influence, which may imply that their progeny may be "born Israelites" who may attain prophecy; others read that it is the *progeny* of converts who may be successful in reaching that (and *only* that) spiritual level, which implies that they are not "born Israelites" and cannot reach the higher level of prophecy, at least for some undisclosed number of generations into the future. The *Kol Yehudah* in the Warsaw edition interprets I, 115 to mean

even observed that Halevi did not seriously entertain the notion of Jewish biological superiority.¹¹ The power of the argumentation in *Kuzari* in so many areas other than that involving Halevi's racial claims demands, at the very least, that such an attempt be made.

This means, simply, that before we cavalierly apply the modern terminology of "racist" or "racism" to any of Halevi's thought, given the automatic response that such characterizations are bound to invoke, we need first to understand exactly what Halevi believed, why he believed it, and then to compare it to the beliefs of other religions. Then we can evaluate its acceptability and determine the extent, nature and circumstances of any "racist" views. There is, surely, a difference between apologetics and understanding.

Halevi makes his case for Judaism by resorting to the story of the conversion to Judaism of the king of the Khazars, and then of his people, in the Caucasus in the eighth century. In brief, as is well known, the king sought to determine the true religion by asking, first a philosopher and, then, representatives of the two major faiths to defend their views. Unsatisfied, he finally sent for a representative of the Jews—despite their low condition, which indicated that theirs was not the true religion. The rabbi showed the king that philosophers never agree among themselves and have never become important religious leaders. Moreover, Islam and Christianity both accept the basic texts and tenets of Judaism. These facts already suggest that the latter is the true faith. Halevi's principal argument is not based on reason, however, but on history. The rabbi in *Kuzari* traces the genealogical history of the Jewish people, culminating in the revelation to them of the Torah by God at Mount Sinai. The chosenness of the Jews for revelation cannot be challenged because it was publicly seen and transmitted without dissent by so many thousands of people, in contrast to the more private experiences and revelations of the major contending faiths. This genuine and indisputable historical tradition of the Jewish faith provides the surest foundation for truth.

Our first observation about Halevi's approach to the superiority of the Jewish people is historical. His primary reason for writing *Kuzari* was to prevent Jews from weakening in their faith, faced as they were with the ascendancy of Islam and Christianity and their own degradation. This is evident in the description that Halevi gave to his book: "A Defense of the Humiliated Faith." *Kuzari* was addressed to Jews, not to the world, and sought to give them the self-respect that, he understood, was increasingly in jeopardy.¹² Halevi wrote in an age in which each of the major world religions seemed in control of its own destiny

that the convert's *progeny* may achieve the level of the pious. As to the generational limits of the disqualification of a convert's progeny, see n. 26, *infra*.

11. Heinemann, *Op. cit.*, p. 24.

12. See also Husik, *Op. cit.*, pp. 152–6; H. H. Ben-Sasson, *Op. cit.*, pp. 535–6.

and claimed the unique truth and superiority of its faith. Each made Judaism and Jews the object of political oppression and religious disrespect. While Islam and Christianity were engaged in mortal combat, Halevi despaired of any hope that his people could find support or salvation in the camps of either *Kedar* or *Seir*, East or West. Because of his pride as a Jew, he developed an understanding of his religion and his people's destiny that sought to turn the tables on history, and restore to his people and their faith the special status that they had once enjoyed when Judaism was the only monotheistic religion in the world.

This leads to the second important observation about Halevi's philosophical views. For him, as the rabbi continually emphasizes in *Kuzari*, historically, reason and speculation have never been, and inherently can never be, the way to religious truth.¹³ As the moral philosopher, Alasdair MacIntyre, has recently pointed out, even the philosophers of the 18th Century Enlightenment never succeeded in their great ambition to establish a unified understanding and standard of what is "good" and "just."¹⁴ If, *contra* to Maimonides, religious truth and unity with God cannot be achieved by man through the development of his reasoning powers, it follows that these can be achieved only through prophecy, a status of grace accorded to man by God, and a status that must be biological—and, to the extent that it is characteristic of a group, racial—inherited rather than learned by human intellectual effort. This, for Halevi, is a matter of both logic and history, and is the reason why he spent so much time tracing the lineage of the Jewish people from Adam to Moses, through the prophets of Israel who appeared in each generation. It was to the Jewish people, having become, uniquely, a nation capable of prophecy, that God revealed himself and his Torah at Sinai.¹⁵

For Halevi, therefore, the inability of even converts to Judaism to achieve the level of prophecy is not a matter of xenophobia but a matter of sound reasoning and experience. If individuals or groups could become spiritually equal to the Jewish people through an act of will and intellect, the true religion would have developed naturally, without the need for God's revelation. This is precisely the claim of the philosophers and precisely where history has proven them wrong.¹⁶ Halevi would certainly have been delighted to augment Jewish ranks and power through converts and not to discourage them by offering them an inferior spiritual status. But the nature of his argument in defense of Judaism through revelation compelled a different result. God's plan was twofold: to bring His Will to the world as quickly as possible—that

13. I, 1–4, 13, 63–5; IV, 3.

14. Alasdair MacIntyre, *Whose Justice? Which Rationality?* (University of Notre Dame Press, 1988); see also the review by Richard John Neuhaus in *Commentary* (June, 1988): 64–8.

15. I, 79 and *passim*.

16. See, n. 13, in particular the rabbi's cogent and concise statement in I, 13.

is, by revelation—to a people that had developed the special quality of prophecy, the worthiness to receive God's revelation and commands in a direct relationship with Him. This message was then to be disseminated among the nations by the great moral leaders of the world—whose task, like that of the Khazar king, is to inspire and persuade others to follow God's revealed commands.¹⁷

The third observation to be made about Halevi's claim of Jewish racial superiority is that it does not mean, as history demonstrates, freedom from suffering and oppression in this world. On the contrary, other nations are accorded the privilege of experiencing material, cultural and political success and decline, based on the normal factors at work in history. Only the Jews experience fortune and misfortune based on the moral quality of their life. Israel is merely promised that it will never be totally destroyed, that it will survive, even as a remnant, to carry on its spiritual mission to the world of revealing and bearing witness to God's existence and His commands as revealed in the Torah.¹⁸

The fourth observation is that Halevi does not claim the superiority of natural born Jews over converts or Gentiles, apart from prophecy, which is the ultimate of many levels of spirituality, involving man's direct relationship with God. Apart from the potential for prophecy, to which few born Jews ever succeeded, in any case, born Jews have no superiority in any characteristic or quality, including morality, intellect, or in the economic, military or cultural sphere.¹⁹ Thus, for Halevi, all people can aspire to live in purity and righteousness and to find closeness to God in this world and the next. Moreover, given the demise, during the First Exile, *before the advent of Christianity and Islam*, of even this very limited gift of prophecy until the Messiah, when all the world will achieve unity with God,²⁰ the superiority of born Jews can be viewed as designed, not so much to demonstrate the present superiority of the Jewish people over other peoples, but to restore their pride through an understanding of their historic glory as the one people of the ancient world worthy of God's single—and eternal—public communication of His moral will to mankind.²¹

It should be recalled that Halevi wrote in an era in which Christians and Muslims alike not only preached the superiority of their religion,

17. I, 100–103. While the Midrash recounts that God offered the Torah to all of the nations, their rejection of the Torah may be evidence that in fact they were not worthy of prophecy. Arguably, the offer was made knowing that it would be rejected, so that the other nations could not later challenge the chosenness of the Jewish people by claiming that they, too, would have accepted the Torah had it been offered to them.

18. I, 109; II, 32–44, IV, 3. See also other sources on the doctrine of special Jewish providence, collected in Frank Talmadge, "R. David Kimhi as Polemicist," *Hebrew Union College Annual* XXXVIII (1968), p. 231, n. 94.

19. I, 111, 115.

20. I, 87; III, 41, 65, 67; IV, 23.

21. Ben Sasson, *Op. cit.*, pp. 535–6.

but, based on that superiority, justified the imposition of varieties of indignities on members of other religions. By contrast, Christians and Muslims are not deemed by Halevi as rejectors of God, or as infidels who are not entitled to equality in life and liberty because they do not adopt the one true faith. They are considered as people who remain to be educated in the full covenant of God, but who, nevertheless, can, and should, seek to lead lives on the highest plane of morality and purity, and will receive their heavenly reward for doing so. It is Judaism's sister religions, however, that historically preached a superiority that extended far beyond Halevi's claims for born Jews—a select few in any case—to attain prophecy. For these religions, failure to accept their creed and live by their religious precepts warranted subjugation, scorn and abasement in this life and no share in life hereafter. Apart from their theology, they practiced oppression and brutality against non-believers.²²

The fifth and final observation relates to the modern idea of individual equality. The principal argument against Halevi's racial view is that other religions permit, indeed encourage, individuals of other faiths, or of no faith, to join their ranks and achieve, in theory at least, full equality with their new co-religionists. Indeed, as we have seen, this is the view of most Jewish halakhists regarding Judaism. It is primarily Halevi who would deny even to converts the ability to achieve prophecy and union with the Divine Influence. The modern stress on individual equality and reason simply cannot accept Halevi's refusal to accord equality to converts or even comprehend a reason for his refusal to do so. Surely, it may be argued, nothing in Halevi's *Kuzari* absolutely compelled him to take a position against the complete spiritual equality of converts. Indeed, one may reasonably so characterize the views of the many rabbis who otherwise admired the *Kuzari* but shared Maimonides' position on the full equality of converts with born Jews.

I believe there are halakhic, historical, and philosophical dimensions to this problem that are worthy of consideration. Halakhically, one must recognize that Halevi is not the first or only rabbi to recognize differences between born Jews and converts. There are recognized differences in such areas as inheritance in the Holy Land, bequests, and convert disqualification to be king, or marry a priest. (Note the occasional *benefits* of the distinction between a convert and a born Jew, e.g.,

22. Compare I, 111; III, 11; and IV, 23 with H. H. Ben-Sasson, *Op. cit.*, Ch. 27; Druck, *Op. cit.*, pp. 60–2; David Berger, ed. *History of Hate* (Jewish Publication Society, 1986), *passim.*; and Bernard Lewis, *The Muslim Discovery of Europe* (W. W. Norton & Company, 1982), pp. 171–84. For Halevi, Christianity and Islam help prepare the world for true monotheism, acceptance of the Torah, and the advent of the Messiah (IV, 23). By contrast, according to R. David Kimhi, a leading anti-Christian polemicist (as incorporated in his Torah commentaries), the Jewish people must behave on a high moral level not only toward fellow Jews but toward Gentiles as well. (Talmadge, *Op. cit.*, p. 225). See also Numbers 15:16, Deuteronomy 10:19, and Deuteronomy *Rabba* 3:3 for numerous biblical and midrashic injunctions against discriminating or oppressing non-Jews.

a proselyte has the status of a legitimate Israelite even if his father is a *mamzer*.) Historically, we may note first that Christian nations never accorded equality to Jewish converts as a matter of fact, even if the Church did so as a matter of religious doctrine. This is evident, for example, from the statutes on the purity of blood in Spain in the medieval period, and the persistent anti-Semitism, culminating in the Nazi regime, whether Jews converted to Christianity or not during the modern period in Western Europe. Second, Halevi lived at a time when the “privilege” of converting was not an aspect of the inherent spiritual equality of all persons, as some may perceive it today, but as an aspect of the superiority of the new religion of the convert over that of his or her prior inferior religious status. This is why the normal manner of conversion to Islam and Christianity through most of world history, until modern times, has been by some form of coercion. There is no sense of dignity or equality accorded to a person who is compelled to abandon his faith. Thus, it is reasonable to conclude that Halevi did not perceive the issue of the status of converts to Judaism in the same light as moderns do, and it is even reasonable to speculate that he might well have treated this subject differently had he been writing today.²³

From the philosophical standpoint, it is important to note that, for Halevi, Judaism is not just a religion to which one may, in concept, adhere by affirmation to accept and practice its doctrines and precepts. It was, for him, a quality of peoplehood, nationhood, to which he was committed in belief and action, as we know from his philosophy of the holiness of the Land of Israel, his inspiring nationalistic poetry, and his selfless act of lonely *aliyah* to Palestine.²⁴ The concept of the Jews as a people, a once independent nation, is far more consistent with the idea that there may be inherent limitations on how fully a convert can ever cleave to, and become part of, such a group, than a concept of the Jews as merely a faith community whose identity is, by hypothesis, simply and solely based on sharing that community’s religious beliefs. To this

23. For example, he might well have clarified his views on the capacity of the progeny of converts to attain prophecy, and he might have limited the disabilities of converts and their progeny to the extent that he considered essential to the rest of his philosophy. Note, e.g., in III, 11, Halevi’s ambiguous statement that “observant” Jews may make the ritual affirmation associated with bringing the “first fruits” to the Temple even though the full text would literally exclude the possibility of their affirmation by converts or their progeny. (See the discussion of this point in Twersky, *Op. cit.*, p. 485.) Indeed, Halevi might well have concluded that while Israel was the only *people* that had such capacity, *individuals* of other nations could—by their special qualities, either learned or inherited—at least achieve the Divine Influence, if not prophecy.

24. I, 16; II, 14; III, 1; IV, 23; V, 23–28. S. D. Goitein, “The Biography of Rabbi Judah Halevi in the Light of the Genizah Documents,” *Proceedings of the American Academy for Jewish Research* 18 (1954), pp. 28 ff.; see also Ross Brann, “Judah Halevi: The Compunctious Poet,” *Prooftexts*, (May 1987) which discusses whether Halevi really did renounce the learning and manners of his earlier life in Spain when he set out for Palestine and a life of religious devotion.

day, the right to become a naturalized citizen is a privilege not a right, natural or constitutional, even in America; only a *natural born* American, for example, may qualify for the presidency. Very few Americans would characterize this as a racist doctrine. To characterize as racist Halevi's view that converts cannot qualify to prophecy, particularly when there are no more prophets, and there will be no more prophets until the advent of the Messiah, seems, at the very least, wrong-headed.

Moreover, while Halevi is clear about the disqualification of converts to achieve prophecy, there is an interesting question as to whether Halevi believed that the progeny of converts were similarly disqualified.²⁵ If they are not disqualified, Halevi's alleged "racism" affects only one generation, which hardly makes Halevi into the kind of racist to which our modern sensitivities so severely object.

From a logical standpoint, it would seem that Halevi must surely treat converts and their progeny in the same manner. If, as he maintains, the Jewish people had reached a certain status of spirituality through a biological process separating them from the Gentile world continuing over centuries, the progeny of converts would not seem to be in a position ever to hurdle that gulf any more than converts can. But, if we pursue the logic a bit further, it becomes apparent that the progeny of a convert who marries a born Jew, for example, already has closed at least some of the biological gap.²⁶ To pursue a modern analogy, the son of a naturalized American is qualified to become president, and no one claims this to be illogical or unreasonable. Clearly, Halevi's view cannot be definitely ascertained by reasoning alone.

Given Halevi's stature and his general care in spelling out his views in *Kuzari*, it seems appropriate to make an analysis of the text to discern his intent. If we turn to the words of the text of *Kuzari* itself, the issue seems still to be unclear.²⁷ Halevi says that a convert

and his progeny may approach God very closely (but) those, however, who become Jews do not take equal rank with born Israelites, who are specially privileged to attain to prophecy, while the former can only achieve something by learning from them, and can only become pious and learned, but never prophets.

From this one may argue that a descendant of two converts or even of just a Jewish mother who is a convert, being "*born*" a Jew, may achieve

25. See, in particular, I, 115.

26. I, 115. The reference to "purity of lineage" in I, 95, where Halevi traces how the Jewish people reached their exalted spiritual capacity, suggests that the extent of a progeny's ability to attain to prophecy or come under the Divine Influence may depend on the extent of such a person's ancestral mix of born Jews and converts. See also Arthur Hyman in his introduction to *Essays in Medieval Jewish and Islamic Philosophy* (KTAV, 1977), discussing the lack of clarity in Halevi's treatment of the Divine Influence. To that same effect see Hartwig Hirschfeld, Introduction, *The Kuzari* (London: M. L. Cailingold, 1931).

27. See n. 2.

prophecy, and even more so the descendant of a male convert who marries a “born” Jew. Indeed, the progeny of every convert married to a “born” Jew is biologically at least partly a “born” Jew, and each succeeding generation is more so. As discussed earlier, however,²⁸ the varying renderings of I, 115 in the available translations of *Kuzari*, regarding who may be fit to attain the Divine Influence, provide an additional element of confusion as to the intent of this section.

However, the ability of such progeny to achieve the level of prophecy is certainly a reasonable and, probably, the better understanding of the text, for the following extra-textual reasons. First, the halakhah prohibits publicizing that one is a convert—in part, I suggest, to assure that his or her progeny have a seamless identity with the Jewish people.

Second, it seems highly likely that Halevi, accepting the Jewish idea of the Messiah coming from the family of David,²⁹ would reject any idea that the progeny of a convert cannot attain to prophecy, because both King David, a prophet, and (through him) the Messiah, derive from the marriage of Boaz to the convert Ruth.

A final indication of Halevi’s attitude toward converts and their progeny comes at the very end of *Kuzari*.³⁰ The rabbi, having told the Khazar king that he wishes to go to Jerusalem, is asked by him: “What can be sought in Palestine nowadays since the divine reflex is absent from it, whilst, with a pure mind and desire, one can approach God in any place?” The rabbi answers that this still is the only way for a *born Jew* to live a pure spiritual life:

The visible Shekhinah has, indeed, disappeared because it does not reveal itself except to a prophet or a favored community, and *in a distinguished place*. As regards the invisible and spiritual Shekhinah, it is with every *born Israelite* of virtuous life, pure heart, and upright mind before the Lord of Israel (emphasis added) . . . No function can be perfect (except in Palestine); heart and soul are only perfectly pure and immaculate *in the place which is believed to be specially selected by God*. (emphasis added)

I believe, that from this concluding section of *Kuzari*, we can draw a number of conclusions related to the issue of the spiritual level achievable by a convert’s progeny. First, most converts are not likely to identify with the Land of Israel as their land, nor to consider leaving their homeland, their family and their social and economic status in the Diaspora. The Khazar king, like Halevi’s paradigmatic convert, *by his question and his actions* as recited in the text, evidences no desire to live in the Land of Israel. Even after Halevi’s answer, he prefers to remain and live as a king outside of Palestine rather than to renounce that privilege for a life as an ordinary Jew in the Land of Israel where—apart from observing the positive commandments relating to living in

28. See n. 10.

29. III, 19; IV, 23.

30. V, 23.

the Holy Land—his progeny could aspire to “live a pure spiritual life.”³¹ Second, converts cannot be prophets because they generally do not aspire to live in Palestine—the only place where prophecy is possible.³² Third, Halevi assuredly did not mean to exclude the generational progeny of a convert when he spoke of “every born Israelite” returning to Palestine to reside with the invisible Shekhinah; such progeny do not share the converts’ natural psychological reluctance to leave their homeland, as did Ruth’s sister-in-law, Orpah, and the Khazar king. Finally, Halevi’s goal was to *maximize* and not minimize the number of returnees to the Holy Land. It follows that Halevi considered a convert’s progeny as “born” Jews in terms of the gift of prophecy as well.

In summary, we have seen that (1) there were special historical circumstances for Halevi’s desire to restore the pride of the Jewish people in their spiritual heritage; *Kuzari* was addressed to his own people to redress their despair at being an oppressed nation as well as a despised faith; (2) there was a logical basis for Halevi’s view of the special spiritual quality of the Jewish people, because his proof of the truth of Judaism was based on God’s revelation of the Torah to the Jewish people alone, based on their prophetic capacity rather than on Judaism’s provability as a philosophic truth, which all persons and nations could equally accept; (3) Halevi’s unequal treatment of converts as compared to born Jews in terms of their ability to achieve prophecy was in a historical context in which conversions were not designed to recognize the spiritual equality of the converts but, rather, the spiritual inferiority of their *prior* religious status; (4) while other religions do grant theoretical equality to converts, that equality was virtually never adhered to as a matter of practice; (5) Halevi’s doctrine of the inequality of converts is limited to the particular matter of prophecy, and not to any other matter of morality or intellect, or any other of man’s cultural achievements, and this gift was given to very few born Jews, in any event, and was given and withdrawn prior to the advent of any other monotheistic religion. In the days of the Messiah—which all monotheistic religions would help bring about—all men will unite spiritually with God on an equal basis; (6) conversion to Judaism was viewed by Halevi as more than just conversion to a faith or an ideology to which individuals could aspire

31. Earlier, the king had indicated the same lack of interest in *aliyah*, even after he had converted to Judaism at the end of Part I. See, e.g., II, 23 (“*thy law*”; “*thou fallest short*”) and III, 11 (the “observant Jew” can live a happy life “even in exile”). Presumably, Halevi is not suggesting that there is no halakhic requirement that a convert make *aliyah*, in light of the contrary biblical paradigms of Abraham and Ruth, but merely that such an act would be unusual and, perhaps, should not be deemed a condition of conversion.

32. Prophecy comes through the *Shekhinah* (Divine Presence), which is operative only in the Land of Israel, or—if outside—for its sake (I, 95; II, 14, 50; III, 22). See also the detailed comments on II, 14 and the concept “for its sake” by *Ozar Neḥmad* and *Kol Yehudah*, referred to in n. 3. The Shekhinah is apparently the name that Halevi gives to the Divine Influence in the Land of Israel (I, 95; II, 14).

by an act of intellect; it was adherence to a nation, a people, where facts of birth and genealogy continue to be relevant to this day; and, finally, (7) although the textual evidence is not crystal clear, particularly in light of conflicting Hebrew translations of *Kuzari*, the better view seems to be that, for Halevi, the incapacity of converts for prophecy was limited to them and did not pass to their progeny. At worst, he did not consider the “pass on” question and, in either case, his attitude would hardly be characteristic of modern racists who emphasize the permanence of racial inferiority. The totality of these factors precludes any simple, invidious characterization of Halevi’s *Kuzari* as racist in any modern sense of that term.

I suggest, therefore, that, for Halevi, the special access of the Jewish people to the Almighty at Sinai, an event never repeated, based on a capability no longer operative, was part of his proof of the special quality of Judaism, and the special ancestry of the Jewish people which privileged them to experience revelation. It was designed by Halevi to give his suffering people pride in their past, their spiritual heritage, and the special qualities which merited that heritage as an act of God’s grace, and to encourage them through that pride not to feel inferior to the other religions then regnant about them, nor to succumb to religious despair. Ultimately, his message was for Jews to take heart and, following his own example, begin the long spiritual and political journey home, as a nation, back to their homeland, where Jews could once more live in freedom and independence among the other nations of the world.

Aggadah and Anti-Semitism: The Midrashim to Esther 3:8

JOSHUA BERMAN

And Haman said to the king, Ahasueurus: There exists one nation scattered and separated throughout the provinces of your kingdom whose laws and customs are different from those of all nations, and who do not adhere to the king's customs. And it is not worth the king's while to allow them to remain.

WHEN HAMAN SLANDERED THE JEWISH PEOPLE, it was, perhaps, the first time in history that the Jews were assaulted because of their laws and customs. It is no surprise then, that the midrashim to this verse serve as a focal point for discussion of the attacks levelled at Jewish custom throughout the ages. Across a millenium of midrashic history, Haman's ugly voice can be heard denouncing Jewish practice before the Persian king. To what extent were the midrashists who employed this motif influenced by the anti-Semitism of their age?

I

The earliest formulation of this motif is found in *Megillah* 13b. The end of the first chapter of the tractate constitutes an Amoraic midrash to the episodes that unfold in the key verses of the Book of Esther. The attribution of this section of commentary to Rava would point to a date of composition in the first half of the fourth century C.E.:

"Their laws are different from those of every other people": they do not eat of our food, nor do they marry our women nor give us theirs in marriage. *"Neither keep the king's laws,"* since they evade taxes the whole year by their claims of "Today is the Sabbath" and "Today is Passover."
"Therefore it profiteth not the king to suffer them," because they eat and drink and despise the throne.

The theme of Haman's charges is that Jews make poor citizens. His accusations are presented in order of ascending gravity; in the first, their customs merely stand in the way of free social intercourse; further, he charges, the Jews steadfastly adhere to their laws, to the point where they are not full participants in the economic life of the community. The third and most serious claim accuses the Jews of disobedience and irreverence towards the throne.

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Haman's wicked voice is heard once again, some four centuries later, in the *Targum Sheni* or Second Translation to the Book of Esther.¹ The composition of *targumim*, translations of books of the Old Testament into Aramaic, is a practice whose roots are in paraphrastic traditions that are evidenced in the books of Ezra and Nehemiah. These translations were rendered to allow Aramaic-speaking populaces access to Scripture, particularly as a companion while Scripture was being read in the synagogue.² Whereas *Targum Onkelos*, the *targum* that became the official synagogue *targum* of the Pentateuch, is quite literal in its translation, some *targumim* to the Hagiographa paraphrase freely. *Targum Sheni* resembles a midrash as much as it does a literal translation, offering long commentaries and additional detail to key parts of the Purim narrative. *Targum Sheni* is also believed to have been written by one author, as evidenced by a consistency of language and motifs.³

The literary style of *Targum Sheni* is radically different from that of *Megillah* 13b. In the Talmudic passage, each of Haman's charges amplifies a subtle nuance in a particular phrase within the verse. In *Targum Sheni*, no such restraint is exhibited and, instead, we hear the persecutor in full polemical presentation. In his opening remarks, Haman accuses the Jews of cruelty, laziness, haughtiness, and rebellion. It is clear that the author of *Targum Sheni* was familiar with the passage in *Megillah* 13b, for Haman includes in his denunciations the following:

We do not take their daughters, nor do they take from ours. When one of them is taken to serve the king, they refuse saying, "today is the Sabbath, today is Passover."

It is also immediately clear that the Haman of *Targum Sheni* is made to appear quite learned and fully familiar with the minutiae of Halaḥah, as evidenced in this colorful passage:

When we approach them to assist in the service of the king they refuse . . . In the first hour of the day they claim, "We are reciting the *shema* prayer." In the second hour of the day they say, "We're saying the prayer of eighteen benedictions." In the third hour of the day, "We're eating our bread." In the fourth hour of the day, "We are blessing our Lord in Heaven on account of the bread and water he has given us."

1. Determining the date of composition for *Targum Sheni* involves speculation, as is the case for all of the midrashim that I am examining. According to the *Interpreter's Dictionary to the Bible* (1962 ed.), *targumim* to the Hagiographa are considered to be no earlier than the fifth century, C.E.. I am inclined to side with Wilhelm Bacher's view that *Targum Sheni* is an eighth century composition, as it is quoted by *Masekhet Sofrim*, an eighth century work (See "Targum," *The Jewish Encyclopedia*, 1906 ed.). *Targum Sheni* is an especially important work, due to its popularity in later generations. *Yalqut Shim'oni*, the great midrashic anthology of the thirteenth century, quotes it extensively and Rashi demonstrates familiarity with it as is evidenced by his commentary to Deuteronomy 3:4 (See Salomon Buber, *Sifre De-agadata al Megilat Ester* [Vilna: Re'em Bros., 1886], p. 2b, note 8).

2. "Targum," *The Interpreter's Dictionary of the Bible*, Supplementary vol., 1976 ed.

3. P. Churgin, *Targum Ketuvim* (New York: Horeb Press, 1945), p. 217.

As Haman continues his denunciation, one theme emerges as dominant. He conducts a systematic critique of the customs observed on the different holidays. Though each has its own commandments and rituals, Haman mentions these only in passing and saves his sharpest criticisms for the liturgy of each holiday. His critique begins with the Sabbath and ends with the Festival of Tabernacle, the same order found in the biblical listing of the holidays in Leviticus 23:

One day a week they declare the Sabbath, when they come to the synagogue, and read from their books, and translate their prophets and vilify our king, and officers . . .

In the month of Nisan they make a holiday of eight days, in which they boil all their utensils beforehand, and eliminate all the leavened bread . . . and they come to their synagogues and read from their Torah scrolls . . . and vilify the king and the officers saying, "just as we have eliminated the leavened bread on account of the matzah, so too should God our Lord eliminate the kingdom from our midst, and rescue us from this stupid king . . ."

On Pentecost they come to their synagogues, etc. . . . and they scatter roses and apples and exclaim, "just as we gather these roses and apples, so too should their sons be gathered from amid ours . . ."

On New Year they come to their synagogues, etc. . . . and they blast the trumpets and say, "let this day be a remembrance for our forefathers before our Father in heaven for the best, and for the remembrance of our enemies for the worst. . . ."

The tenth day of that month they call the Great Fast Day. They fast and declare, "On this day our sins are atoned, and added to the sins of our enemies." They come to their synagogues, etc. . . . and they say, "so too should this stupid king be swept from the earth." They beg for pity and mercy, and that the king should die, and his kingdom be toppled.

On the fifteenth day thereof . . . they perform the Hoshana service and say, "just as the king does in war, we shall do as well." And they come to their synagogues, etc.

Haman concludes his litany by decrying the ill-effect of Judaism on the economy, claiming that the Jews swindle and are unproductive, as they refuse to work during the jubilee year, the sabbatical year, on New Moon, or the Sabbath.

This theme receives amplification in an early medieval midrash, *Midrash Abba Guryon* to the Book of Esther.⁴ Whereas Haman levels many charges against the Jews in *Targum Sheni*, *Abba Guryon's* Haman is monochromatic in his remarks, which focus on economic concerns:

Whenever we go to trade with them they immediately shut the shops on us, and become elusive with us, causing disruption to our economic sys-

4. Since the publication of *Midrash Abba Guryon* by Adolf Jellenik in *Beit Midrash* (Leipzig, 1853), considerable debate has arisen concerning the date of composition of *Abba Guryon* relative to that of *Targum Sheni*. Buber believes that *Targum Sheni* borrowed from *Abba Guryon*, whereas Albeck, in *Ha-derashot Be-Yisrael* [(Jerusalem: Bialik Institute, 1974), p. 424] believes that *Abba Guryon* postdates *Targum Sheni*. In this study I am following Albeck, if only because he was able to judge with the perspective of an additional century of scholarship that Buber did not have at his disposal.

tem. One day in seven they make a Sabbath, every thirty days they celebrate New Moon, in Nisan, Passover, and in Sivan, Pentecost. They have an entire month where all they do is waste the world's money; New Year, then the Day of Atonement, the holiday of Tabernacles for eight days. On each of these days they eat and drink and do nothing productive.

The final formulation of Haman's libel that we shall examine is in a midrash called *Midrash Panim Aherim*, or, literally, "another face" to *Midrash Abba Guryon*.⁵ This midrash to the Book of Esther contains many passages that are found in *Abba Guryon*, and is considered to be an adapted or modified form of that earlier midrash. The Haman of *Midrash Panim Aherim* returns to the theme dominant in *Targum Sheni*—the rebellious nature of the Jewish liturgy:

Meri said: Come and see how different and disgusting this nation is in comparison with all the other nations. One day a week they make a feast and call it Sabbath. They open their synagogues and recite things that are open for all to hear: "Hear, Israel, the Lord our God, the Lord is one." Afterwards they stand and pray, and they say, ". . . who humbles the wicked" and they say that we are the wicked. Then they say, ". . . who loves righteousness and justice," and they hope that God will deliver judgment upon us. Then they take their Torah scrolls and vilify us with a curse, saying, "May You weaken Your enemies."

Like *Targum Sheni*, *Panim Aherim* mentions the charge against the reading of the Torah, and makes pointed references to different parts of the liturgy. One distinction, however, exists between the two. The prayers and passages decried by Haman in *Targum Sheni* are entirely fictional. Haman claims that, as the Jews clean for Passover, they cheer, "just as we have eliminated the leavened bread on account of the matzah, so, too, should God our Lord eliminate the kingdom from our midst, and rescue us from this stupid king." When did *bi'ur ḥamez* become a politically charged event? Nor do we accompany the clarion call of the shofar on Rosh HaShanah with a harmony of, "Let this day be a remembrance for our forefathers before our Father in Heaven for the best, and for the remembrance of our enemies for the worst." We must remember that, as a *targum*, *Targum Sheni* was designed to be a companion to the Megillah reading on Purim itself. Within the spirit of the day, the author may have placed such fanciful charges in Haman's mouth as an exhibit of comic relief; in *Targum Sheni*, perhaps, we see vintage Purim Torah of the eighth century.

The Haman of *Panim Aherim*, however, stands before Ahasuerus with an open *siddur*, and quotes directly from *birkat ha-minim*, the blessing of the sectarians, recited thrice daily in the *amidah*.

If we examine the different accounts of Haman's libel, side by side, a few trends emerge. In the earliest formula, the passage from *Megillah* 13b, Jewish custom was implicated on the grounds that it caused the Jews to stand aloof from the rest of society and to behave like economic

5. See Buber, *Sifre De-agadata*, p. 35a (69).

parasites. These themes all reappeared in *Targum Sheni*, but in conjunction with the new charge aimed specifically at the Jewish liturgy. From here, the trail of transmission led in two directions. The formulation of *Abba Guryon* called for a steady diet of economic slander. *Panim Aherim*, however, echoed the regimen of *Targum Sheni*, but with the innovation of references to actual ingredients in the daily liturgy.⁶

As the heirloom of Haman's libel is bequeathed from one generation of midrashists to the next, Haman's changing voice can be heard as an echo of the trials and tribulations faced by different communities of Jews. We now turn our attention to the historical factors that influenced the transmission of the motif of Haman's libel.

II

The first writer to analyze these midrashim in the light of non-Jewish sources that discuss the Jews and their customs was M. D. Herr, in an article that appeared in 1968.⁷ He posits that these midrashim reflect anti-Semitic trends of the Greco-Roman world, particularly as portrayed in Tacitus' *Histories*. While some of these midrashim postdate the Greco-Roman period by a thousand years or more, Herr claims that it is not unusual for a midrash to borrow from earlier sources, even if the borrowed material is somewhat outdated.

With one finger in Book 5 of Tacitus' *Histories* and another in *Megillah* 13b, we can readily see the strength of Herr's argument. The pre-eminent historian of first century Rome writes:

We are told that the rest of the seventh day was adopted because this day brought with it a termination of their toils; after a while the charm of indolence beguiled them into giving up the seventh year also to inaction.⁸

Concerning the Jews' social behavior Tacitus says:

They sit apart at meals, they sleep apart, and . . . abstain from intercourse with foreign women.⁹

Though Herr mentions only Tacitus, correlations can be seen between the charges in *Megillah* 13b and those by other spokesmen of the

6. Another midrash, *Midrash Agadat Ester*, echoes the themes that I have examined in *Targum Sheni* and *Panim Aherim*. I have chosen to omit *Agadat Ester* from close study for it merely borrows whole passages verbatim from the other two works. This midrash contains quotations from Isaac Alfasi and Maimonides, indicating that its redaction can be no earlier than the thirteenth century. See Salomon Buber, *Aggadische Abhandlungen zum Buche Ester* (Hebrew) (Krakau: J. Fischer, 1897), pp. 1–4.

7. M. D. Herr, "Anti-Semitism In The Roman Empire As Seen In Rabbinic Literature," (Heb.) *Sefer Zikaron le-Binyamin De-Fries*, ed. E. Z. Melamed (Jerusalem: University of Tel Aviv Press, 1968–69), pp. 149–159.

8. Tacitus, "The Histories," *Great Books of the Western World*, trans. Alfred John Church and William Jackson Brodribb, ed. Robert Maynard Hutchins (Chicago: William Benton Publisher, Encyclopedia Britannica, Inc., 1952), Vol. 13, p. 295.

9. Ibid.

Greco-Roman period. I shall cite here only two. Cicero, perhaps the greatest of the Roman orators, wrote at a time of strife between Rome and Jerusalem in 59 B.C.E.:

The practice of their sacred rites was at variance with the glory of our empire, the dignity of our name, the customs of our ancestors. But now it is even more so, when this nation by its armed resistance has shown what it thinks of our rule.¹⁰

And Juvenal, the great satirist of the early second century, comments:

Since their fathers abstained from pork, they'd be cannibals sooner than violate that taboo . . . they despise Roman law, but learn, observe, and revere Israel's codes . . . Remember the Sabbath Day to keep it lazy.¹¹

Now, all of this is not to say that the *ba'alei ha-midrash* composed with the great works of Rome open in front of them. Nor do I mean to paint a picture of Roman impressions of Jews and Judaism that is dark at every point. I think it is fair, though, to say that these passages reflect the presence of a cultural current of anti-Semitism whose force was felt by the authors of some of the midrashim under study.

Some, but not all. The passage from *Megillah* 13b, the earliest of these midrashim, reflects the feelings of the Greco-Roman writers most closely. One can also hear their charges of indolence and poor citizenship in the passage from *Abba Guryon*. But Herr's theory weakens when applied to *Targum Shenî* and *Midrash Panim Aherim*. Herr explicitly compares the digressive nature of Tacitus' charges to the digressive nature of Haman's accusations in *Targum Shenî*. He says that, on the strength of this similarity of style, it is likely that the author of *Targum Shenî* was familiar with Tacitus or with writings of a similar nature. Yet, recall the central attention given to the content of the holiday liturgy and Torah reading in *Targum Shenî* and to two of the eighteen benedictions in *Panim Aherim* and, later, in *Midrash Agadat Ester*. Herr's theory cannot account for such attention, for while Tacitus borrowed from traditional material and was better informed about Judaism than were most ancient authors,¹² his account makes no mention of the Jewish liturgy. He mentions many ritual aspects of Judaism, such as the prohibition of eating pork, the prohibition of intermarriage, the obligation of circumcision, of eating unleavened bread on Passover, and others. Yet he does not once criticize the content of any of the Jewish prayers. To understand the historical context in which these midrashim were written, we must turn our focus to the writings of those for whom the Jewish liturgy was, indeed, a great anathema—the Church fathers.

10. Cicero, "Pro Flacco 28:66," *Greek and Latin Authors on Jews and Judaism*, trans. L. E. Lord, ed. M. Stern (Jerusalem: 1980), Vol. 1, p. 198.

11. Juvenal, "On Education in Avarice," *The Satires of Juvenal*, trans. Rolfe Humphries (Indiana University Press, 1974), p. 164.

12. John Gager, *The Origins of Anti-Semitism* (New York: Oxford University Press, 1985), p. 63.

III

My argument would be more convincing if I could point to a specific statement by a particular Church father, and find an equally specific response within the midrashic literature. At the outset, I must admit that I cannot. A one-to-one correlation between patristic sermon and midrash is impossible, due to the difficulties that we encounter when attempting to date the midrashim. Nonetheless, by examining the statements of Church fathers over a span of several centuries, we can see a trend that distinguishes Christian anti-Semitism from its Greco-Roman counterpart. If a trend can be seen spanning not only time but locales, then we may be able to say that the midrashim that we are examining are, indeed, reacting to this trend even though we may not know precisely when or where they were written.

The evidence of a patristic polemic against the Jewish liturgy first appears in the writings of Justin Martyr, the second century apologist of the early church. In his "Dialogue With Trypho" (155–161 C.E.) Justin records what he claims are the highlights of a theological discussion that he had with Trypho, a Jew from Ephesus. In the "Dialogue," Justin accuses the Jews nine times of cursing either Christians or Jesus. Five of these (93, 95, 108, 123, 133) are general accusations and cannot be linked to the Jewish liturgy. Four passages, however, place the act of vexation inside the synagogue. I cite two examples:

Accordingly these things have happened to you in fairness and justice, for you have slain the Just One . . . and now you reject those who hope in Him . . . cursing in your synagogues those who believe in Christ.¹³

For the statement in the law (Deut. 21:23), "Cursed is everyone that hangeth on a tree," confirms our hope which depends on the crucified Christ . . . because God foretold that which would be done by you all . . . and you clearly see that this has come to pass. For you curse in your synagogues all those who are called from Him Christians.¹⁴

The next patristic witness to a polemic against the Jewish liturgy is Origen, the third century theologian. In his *Homilies on Jeremiah* (19.21.31) he echoes the earlier passages from Justin:

Enter the synagogue of the Jews and see Jesus flagellated by those with the language of blasphemy¹⁵.

13. Justin Martyr, "Dialogue With Trypho," *The Ante-Nicene Fathers*, trans. Alexander Roberts and James Donaldson (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1953), Vol. 1, p. 202.

14. "Dialogue," 96 (*Ante-Nicene Fathers*, Vol. 1, p. 247). A similar passage is found in chapter 47.

15. Translated by Reuven Kimelman, "birkat ha-minim and the Lack of Evidence for an Anti-Jewish Prayer in Late Antiquity," *Jewish and Christian Self-Definition, Vol. II-Aspects of Judaism in the Greco-Roman Period*, ed. E. P. Sanders (Philadelphia: Fortress Press, 1981), pp. 226–244.

With the writings of Jerome, in the early fifth century, we begin to see the patristic attack on Jewish prayer focus on a particular element within the liturgy. On four occasions in his *Commentaries*, he mentions that the Jews curse the Christians thrice daily when they curse the Nazarenes.¹⁶ Jerome's reference to a vilification occurring three times a day, and with the word Nazarenes representing Christians, is clearly a reference to *birkat ha-minim*.

Ever since the publication of the Genizah version of this benediction by Solomon Schechter in 1898, this benediction has been the center of much debate concerning Jewish-Christian relationships in the period of late antiquity. The Genizah version reads as follows:

For the apostates let there be no hope
And let the arrogant government be speedily uprooted in our days.
Let the *nozrim* and the *minim* be destroyed in a moment.
And let them be blotted out of the Book of Life and not be inscribed
together with the righteous.
Blessed art thou, O Lord, who humblest the arrogant.¹⁷

Birkat ha-minim had originally been included in the prayer of the eighteen benedictions to denounce separatists who had defected from the community in times of duress. Sometime after the destruction of the Second Temple, in 70 C.E., the court of Rabban Gamaliel reformulated the benediction to include vilification of the *minim*. Much scholarly debate has circulated around the identity of this heterodox group. Some view it as a generic term for all heretics, whereas others take the *minim* to be either Jewish Christians or, even, gentile Christians.¹⁸ Compounding the problem is the fact that it is unclear when the term, *nozrim*, was included, and precisely who the *nozrim* are. From his commentaries on Isaiah it would appear that Jerome took the *nozrim* to be Christians. Other patristic writers from this period provide a different understanding of their identity. In an epistle to Augustine (112.13) Jerome associates the *nozrim* referred to in the *birkat ha-minim* with a group called the Nazarenes:

Until now a heresy is to be found in all parts of the East where Jews have their synagogues; it is called "of the Mineans" and cursed by Pharisees up to now. Usually they are named Nazarenes. They believe in Christ . . . but since they want to be both Jews and Christians, they are neither Jews nor Christians.¹⁹

In the fourth century, Epiphanius catalogued eighty heresies, including Jewish sects, in a work called *Panarion* (374–377). Concerning the Nazarene heresy, he writes (29.9.1):

16. St. Jerome, *Commentaries*, Amos I (1:11), Isaiah II (5:19), Isaiah XIII (49.7), and Isaiah XIV (52.46)

17. Solomon Schechter, "Genizah Specimens," *Jewish Quarterly Review*, os 10, (1898):657, 659

18. Kimelman, pp. 227–228.

19. Kimelman, p. 237.

. . . they are rather Jews and nothing else. However, they are very much hated by the Jews. For . . . the people stand up in the morning, at noon and at evening, three times a day, and pronounce curses and maledictions over them when they say their prayers in the synagogues. Three times a day they say: "May God curse the Nazarenes."²⁰

Evidently, Epiphanius felt that the Nazarenes were a group of heterodox Jews, while Jerome considered them Jewish Christians. While I do not propose to take a stance on the identity of either the *minim* or the *nozzrim*, there are several conclusions that we can draw concerning the attitudes of the early Church Fathers to the Jewish liturgy: 1) From the writings of Justin and Origen it is clear that two important figures in the development of the ante-Nicene Church saw the synagogues and the prayers that were said in them as tools of vilification against the Christians and their Lord. 2) From the works of Jerome and Epiphanius it is evident that, as early as the fourth century, the Church fathers were familiar with *birkat ha-minim*, and understood it to be an attack on a group that had at least some Christian leanings, though it is unclear whether these were Jews or Christians.

As we investigate later writings of the Church fathers, we see that Jewish prayer continues to be understood as a tool for vilification of the Christian community and that *birkat ha-minim* is no longer taken to refer to anyone other than Christians. These themes are passed on through the patristic tradition to the Carolingian period in the writings of Agobard of Lyons (779–840), who served as bishop over a province that included some of the most important Jewish settlements in western Europe in the reign of Louis the Pious. His writings are of importance not only because they represent the earliest anti-Jewish literature of that period, but because of the thorough nature of his attacks on different aspects of Jewish life.²¹ Agobard claims that he entered into discussion with Jews on an almost daily basis, though it seems clear that he himself did not know Hebrew and was unfamiliar with the original rabbinic sources.²² Referring to the Jews, in one of his letters, he remarks:

They curse the Lord and his body in all their prayers.²³

Birkat ha-minim resurfaces as a focal point for the attacks of the Church fathers in the writings of the apostate Jew, Nicholas Donin, who gained his infamy for launching a thirty-five point attack on the Talmud that ultimately led to a massive burning of Hebrew books in Paris in 1244. In the thirtieth chapter of his attack he writes that *birkat ha-minim* is said three times a day, while standing, is considered of greater

20. Kimelman, p. 238.

21. "Agobard," *Encyclopedia Judaica*, 1970 ed.

22. Hen-Melekh Merhaviah, *Ha-Talmud Be-Rei Ha-Nozzrut* (Tel Aviv: 1970), p. 73.

23. "Patrologia Latina (104:73)," *Adversus Judaeos*, trans. Lukyn Williams (Cambridge: Cambridge University Press, 1935), p. 353.

importance than the other blessings in the prayer of the eighteen benedictions, and is designed to vilify “the priests, the kings, and all others.”²⁴

A century later, Abner of Burgos, also a Jewish apostate, raised the charge against the *birkat ha-minim* in the court of Alphonso XI of Spain. He conducted a disputation with the Jews of Valadolid which resulted in an edict (Feb. 25, 1336) banning the benediction.²⁵

At the very least, we can conclude that, while the attack on *birkat ha-minim* took many forms, it was, nonetheless, a salient feature of the Church’s polemic against Judaism at many points during the first thousand years of post-Nicene ecclesiastical history. It is likely, then, that the passages in *Panim Aherim* and *Agadat Ester* which refer to *birkat ha-minim* are responding to a contemporary anti-Semitic trend and not merely to a vestige of a trend from an era past.

The midrashim to Esther also contained charges against the reading of the law and, once again, such criticisms can be understood against a backdrop of patristic anti-Semitism. Church fathers, from as early as the second century and as late as the fifteenth, accuse the Jews of failing to understand and of deliberately misinterpreting the simple christological meaning of the Old Testament.

The earliest source for this criticism is, again, Justin, who explains to the Jew, Trypho:

Your scriptures, or rather, not yours, but ours, for you, though you read them, do not catch the spirit that is in them.²⁶

In other passages²⁷ Justin claims that the Jews falsified Scripture to prevent Christians from finding passages that confirm their faith.

Perhaps the most far-reaching action taken against the public reading of the law and the prophets was executed by the Emperor Justinian (527–565), whose code includes several provisions that regulated Jewish life and defined the status of the Jew in Byzantine society for the following seven hundred years.²⁸ Novella 146 of Justinian’s laws states that the Jews may read Scripture in Greek or Latin or any other language that is understood by the community at large. Only Church-sanctioned versions of the Old Testament, such as the Septuagint or the version of Aquila, could be read and the practice of *tirgum* was absolutely prohibited. Violations could result in confiscation of property and exile.²⁹ The central passage from the Novella reads thus:

24. Merhavia, p. 278.

25. Heinrich Graetz, *History of the Jews* (New York: Jewish Publication Society of America, 1927), Vol. 4, pp. 82–83.

26. Joshua Trachtenberg, *The Devil and the Jews* (New Haven: Yale University Press, 1943), p. 221, n8.

27. lxxxi. 2 and lxxiii. 5

28. “Justinian,” *Encyclopedia Judaica*, 1970 ed.

29. James Parkes, *The Conflict of the Church and the Synagogue* (London: Soncino Press, 1934), p. 251.

We therefore sanction that, wherever there is a Hebrew congregation, those who wish it may, in their synagogues, read the sacred books to those who are present in Greek, or even Latin, or any other tongue . . . Thus there shall be no opportunity for their interpreters, who make use only of the Hebrew, to corrupt it in any way they like since the ignorance of the public conceals their depravity.³⁰

Incriminations against the Jewish interpretation of Scripture continue to be heard in later periods as well. Peter of Blois (c. 12th century) echoes remarks originally made by Jerome in his *Against the Unbelief of the Jews* when he claims that the Jews deliberately falsified Scripture.³¹

The evidence presented here of a polemic against the public reading of the Torah spans disparate regions and periods of Church history. This strand of thought allows for additional insight into two of our midrashim. Recall Haman's review of the holidays in *Targum Sheni*. The portrayal of the liturgy of each holiday included an identical refrain in each: "They come to their synagogues and read from their Torah scrolls and translate their prophets and vilify our king and our officers." Though many of the attacks leveled by Haman in that passage have no apparent historical basis, the overall tone of the passage must be seen as reacting to some actual element of anti-Semitism. The recurring theme of the Torah reading as a tool for vilification indicates that it is foremost in the author's mind and, in all likelihood, is rooted in historical fact.

The second midrash to take up this theme is *Panim Aherim*. As we saw above, Haman, in *Panim Aherim*, condemns *birkat ha-minim*, a distinctly Christian phenomenon. A re-examination of the text shows that the author addresses criticism of the Torah reading as well:

Then they take their Torah scrolls and vilify us with a curse, saying, "May You weaken Your enemies."

If we assume that the author was responding to Christian anti-Semitism in his opening comment on *birkat ha-minim*, then it is entirely possible to understand the juxtaposed comment, referring to the Torah reading, as responding to Christian anti-Semitism as well.

At this point, a brief word is in order concerning the significance of Jewish prayer in the eyes of the early Church. It may be that these prayers drew such criticism on the sole grounds that their content was deemed offensive. However, the Church may have also felt threatened by the attraction of the synagogue to many Christians and, thus, went out of its way to condemn Jewish prayer and demonstrate its inefficacy. The presence of a popular movement leaning toward Jewish blessings may be what led the Church, in Canon 49 of the Council of Elvira (320), to forbid the Jews from blessing the standing crops. This threat is addressed most vigilantly in the fifth century by John Chrysostom,

30. Parkes, p. 392.

31. Williams, tr. *Adversus Judaeos*, pp. 402–403.

who, in his *Homilies Against the Jews*, explicitly preaches fifteen times against Judaizing activities such as synagogue attendance. In Homily 8.8.8 he reports that Christians who regularly attended synagogue would urge their families and neighbors not to betray them to the local priests, indicating the extent of the attraction posed to large numbers within the Christian community. In 386 C.E. John interrupted his campaign against the Arians to deliver eight sermons against Judaizing activities within his own community. So serious was the threat, that John deliberately timed these sermons to coincide with the Jewish festivals of Rosh Ha-Shanah, Yom Kippur and Sukkot to dissuade ranks within his own congregation from joining the celebrants.

Agobard echoes these concerns in his own writings some four centuries later. In the fifth chapter of his *Insolentia Judaeorum* he expresses concern over the fact that Frankish nobles were seeking the blessings and prayers of the rabbis over those of Christian priests.

Leon Poliakov explains the condemnation of the Torah reading in terms of the insecurity of the early Church, saying that, during the first two to three centuries of its existence, interpretations of sacred texts varied from one community to the next, creating great difficulties in determining which were authoritative. The Jews, however, were recognized as the ones who had originally been given the Book and had been responsible for its preservation for centuries. This gave the Jewish interpretation a credibility that threatened the christological understanding of the Church.³² The threat of Judaizing Christians may have diminished in later centuries as the Church's strength and influence took hold, but the strong response to this threat in the early stages of Church development may have set a precedent for the particularly hostile attitude toward the Jewish liturgy that was reflected in the writings of later Church fathers like Nicholas Donin and Abner of Burgos.

The Haggadah tells us that, in every generation, a tyrant rises against the Jewish people. In this article I have tried to show how the rabbis of different eras employed the figure of Haman to illustrate the anti-Semitism of their day. Originally, the tyrant leveled accusations reminiscent of the highlights and hallmarks of Greco-Roman anti-Semitism. However, as Haman donned the vestments of the Catholic clergy, his charges against the Jews began to take on a decidedly patristic tone. In this age of unprecedented Jewish-Christian dialogue, it behooves us to recall earlier Jewish-Christian encounters. It also behooves us to reflect on the transmission of the midrashic motif of Haman's libel.

32. Leon Poliakov, *History of Anti-Semitism*, trans. Natalie Gerardi (New York: Vanguard Press, 1973), Vol. 1, p. 23.

The Rock and the Bush

RAPHAEL JOSPE

THE HOLY LAND, AS A CENTER FOR PILGRIMAGE for Jews, Christians, and Muslims over the centuries, became the focus of religious lore attributing miraculous qualities to various sacred sites. To subject miracles to scientific investigation is, presumably, a contradiction in terms. But when ostensibly reliable sources—often people who themselves were scientists, physicians, or philosophers—consistently attest to witnessing identical or similar phenomena, our interest may be sufficiently aroused to warrant further study. In the words of a popular adage, we may not be able to fool Nature, but Nature seems quite able to fool us with its spectacular phenomena.

Hebrew sources going back as far as the fourteenth century attest to the existence of stones, purportedly from the biblical Mount Sinai, containing an image of the burning bush (cf. Exodus 3:1–6). Like the laser-produced three-dimensional image known as “hologram,” which is produced from a positive transparency, and each fragment of which reproduces the complete image (and not merely part of the whole), according to these amazing reports the image of the bush in the stone always remained whole, however often the stone itself was divided.

Let us begin by reviewing the story as presented in Hebrew sources and then propose a simple geological explanation of the phenomena described in our sources. According to the Bible (Exodus 32:16), “the tablets were the work of God.” In the twelfth century, the Jewish philosopher, physician, and rabbi, Moses Maimonides, interpreted this statement as meaning that the tablets of the law were a natural, not artificial, phenomenon, like the heavens themselves, a direct creation of God.¹

Maimonides’ interpretation was explained a century and a half later by Moses ben Joshua of Narbonne (or Moses Narboni, known in Latin as Maestre Vidal), himself a physician and serious philosopher.² In his

1. Moses Maimonides, *Guide of the Perplexed* 1:66. The best English translation is that of Shlomo Pines (University of Chicago Press, 1963).

2. Moses Narboni was born in Perpignan, in what is today the Department of Pyrénées-Orientales in southern France, at the end of the thirteenth or beginning of the fourteenth century, to a family hailing from nearby Narbonne (in the modern Department of Aude). A physician, he practiced medicine for many years in Spain. In 1349, he fled from Cervera (in Catalonia, in northeastern Spain) on account of the anti-Jewish riots during the

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commentary on Maimonides' *Guide of the Perplexed*,³ Narboni recounts a strange personal experience with a stone purportedly taken from Mount Sinai, containing an image of the burning bush, which, like a hologram, remained whole no matter how often the stone was split.

What I myself saw agrees with this, and I shall explain it to you. Know that they testify that there are stones from Mount Sinai which contain an image of the (burning) bush, and therefore that mountain is called Sinai, on account of the bush (Hebrew: *seneh*),⁴ just as God was revealed to Moses out of the bush. One of the notables of Barcelona, of the Hisdai family, brought some of these stones back with him, and one of his students, a member of his family, showed them to me. I saw in it the bush, drawn in a perfect image, a divine image, the color of which changed according to the color of the stone. I broke the stone into halves, and found the image of the bush on the face of each piece. I again divided each piece into halves, and found the image of the bush on the face of each piece from within. And so many more times, until finally the pieces resembled nuts—and still the bush was in them! I was amazed and rejoiced at this, because it is a way to understand the intention of the Rabbi (Maimonides).⁵

Some years later, Narboni's story was also recorded, virtually verbatim, by another fourteenth century scholar, Samuel ibn Seneh Zarza (whose name, incidentally or not, also means "bush"),⁶ who attempted to verify the account. Zarza then wrote:⁷

This is what he (Narboni) wrote, in his Commentary on the *Guide of the Perplexed*. When I went to Barcelona, I asked (Narboni's) students about this, and they replied that these stones still exist now, but the man who

Black Death (Bubonic Plague), when the Jews were accused of poisoning Christian wells and food, thereby causing the plague. Narboni was the author of numerous Hebrew commentaries on the original works and the Aristotelian commentaries of Arabic philosophers, such as Al-Ghazzali, Ibn Tufayl, and Ibn Rushd (Averroes), as well as a commentary on Maimonides' *Guide of the Perplexed*. Cf. the articles in the *Encyclopedia Judaica* 12:422–424 and *Jewish Encyclopedia* 9:71.

3. Narboni, *Commentary on the Guide of the Perplexed* 1:66, ed. J. Goldenthal (Vienna: 1852; reprinted in *Sheloshah Qadmonei Mefarshei Ha-Moreh* [Jerusalem, 1961]), p. 12a.

4. A play on the similarity of sound of Sinai and *seneh* (bush).

5. In other words, Narboni testifies that he himself saw the stone, purportedly from Sinai, containing the image of the bush, and that the image was retained however often the stone was divided. Narboni was a serious scholar and rationalist philosopher, whose testimony should not be dismissed out of hand as superstitious nonsense.

6. *Seneh* is the Hebrew term for bush in Exodus 3:1–6. Zarza, in Spanish means a bramble or blackberry bush. Samuel ibn Seneh Zarza lived in Valencia in the second half of the fourteenth century. He probably was a younger contemporary of Moses Narboni, since one of his books was published in 1369, and since, in our story, he consulted Narboni's students, but not the teacher. His rationalist-philosophical commentary on the Torah, the *Meqor Hayyim* (Fountain of Life) cites Muslim philosophers like Al-Farabi and Ibn Rushd (Averroes), as well as Jewish philosophers. For more on Zarza, cf. my book *Torah and Sophia: The Life and Thought of Shem Tov ibn Falaquera* (Cincinnati: Hebrew Union College Press, 1987), Appendix E, as well as *Encyclopedia Judaica* 12:638.

7. Samuel ibn Seneh Zarza, *Meqor Hayyim* (Mantua, 1579), p. 81b, line 45, on Exodus 31:18.

owns them fled to Perpignan, on account of the plague in Barcelona.⁸ When I went to Perpignan, many of them testified before me that they had seen these stones.

The story was repeated at the end of the fourteenth or the beginning of the fifteenth century, by another commentator on Maimonides' *Guide of the Perplexed* from southern France (possibly from the area of Perpignan), Isaac ben Moses Ha-Levi, known in Latin as Profiat Duran or Maestre Profiat, and in Hebrew as Efodi (d. 1414).⁹

In the fifteenth century, Narboni's account was also cited (but without any comment or attempt at verification, such as we find in Zarza) by Shem Tov ben Joseph ibn Shem Tov,¹⁰ in his commentary on Maimonides' *Guide of the Perplexed* I:66, and by the unknown author of a Hebrew manuscript¹¹ dealing, in part, with alchemy.

In the sixteenth century, we find another text referring to these remarkable stones from Mount Sinai. The passage does not refer to Narboni, although it is quite possible that its author was familiar with his work. Like Narboni, the author seems to be relying on personal experience and not on tradition. The passage is found in a letter written in the year 1528 by Abraham ben Eliezer Ha-Levi, who settled in Jerusalem, following the expulsion of the Jews from Spain in 1492 by Ferdinand and Isabella.¹² The author is afraid to entrust his important information to a non-Jewish messenger:

8. Presumably the Black Death or bubonic plague of 1348–1350. Perpignan, as was mentioned above, was Narboni's home town.

9. Isaac ben Moses Ha-Levi Duran, known in Latin as Profiat Duran or Maestre Duran, was born in the second half of the fourteenth century to parents from southern France, and died in 1414. The name, Efodi, based on the biblical vest of the high priest called *ephod* (cf. Exodus 28:6–14), is also a play on the first letters of the Hebrew *ani profiat duran* (I am Profiat Duran). He was also an important figure in the medieval Jewish polemics against Christianity. (Cf. Frank E. Talmage, *Disputation and Dialogue: Readings in the Jewish-Christian Encounter* [New York, 1975], Chapter 14, and *Encyclopedia Judaica* 6:299–300.) His *Commentary* is printed in standard editions of the Hebrew translation (by Samuel ibn Tibbon) of Maimonides' *Guide of the Perplexed*. Efodi's language is so close to that of Narboni that it appears likely that he was simply paraphrasing the earlier work. On the other hand, it is significant that he fails to mention Narboni by name, as Zarza does, and that he continues to speak in the first person ("I saw one of the stones of this mountain, in which the bush was drawn in a perfect, divine image, the color of which changed according to the color of the stone. I divided the stone into many pieces, and the form of the bush was visible in each of them."), as if he, too, were describing an immediate, personal experience.

10. On Shem Tov ben Joseph ibn Shem Tov (not to be confused with his grandfather of the same name), cf. *Encyclopedia Judaica* 8:1199.

11. Ms. Moscow-Ginzburg 315 (Microfilm 43028), at the Institute for Microfilms of Hebrew Manuscripts of the Jewish National and Hebrew University Library in Jerusalem. The manuscript, of unknown authorship, deals, in part, with alchemy, and is in a fifteenth-century Italian hand. The text cited is found on f. 210a, lines 9–11: "Rabbi Moses the son of Joshua (Narboni) . . . wrote . . . that the bush is engraved on the stones of Mount Sinai. If you were to cut them into many pieces, you would find the bush in all of them."

12. Abraham ben Eliezer Ha-Levi's letter ("Iggeret Me-Inyan Ha-Shevotim Me-et Rabbi

One should strive to know with which reliable person I could send it, who would not keep it for himself. For I am afraid to send it with a Gentile, and all the more so now, when it has become even more important in the eyes of the Gentiles, since they no longer have their ways to Mount Sinai where God was revealed in the bush. Now I think that the only reason for this is that, if one splits these stones repeatedly, one will always find the image of the bush in them. This is a great wonder.

In the eighteenth century, the “Age of Reason” and “Enlightenment,” we find an attempt to explain the phenomenon rationally, this time in terms of *Naturgeschichte* (natural history). Solomon Maimon (1753–1800), a Polish Jew who moved to Germany to study philosophy, wrote works in both general and Jewish philosophy. His commentary on the *Guide of the Perplexed*, (published in 1791),¹³ reflects his Kantian outlook and has been called the first Hebrew book of modern philosophy. Maimon also cites Narboni’s passage on *Guide* I:66, and then examines the question of the divine writing on the tablets of the law, the question which was the basis of Maimonides’ interpretation and Narboni’s commentary. According to Maimon, the writing of the Decalogue on the tablets must have been either the ancient Egyptian hieroglyphics or the new Hebrew alphabet, of Canaanite origin. The hieroglyphic writing would not have been understood by most of the people because of its complexity and the need for so many forms. The alphabet, which is much simpler and employs only relatively few symbols, was radically new and, therefore, also unknown to the people. Accordingly, Maimon concludes, in either case, only the priests would have been able to decipher the writing on the tablets. He then continues:¹⁴

Therefore, according to the aforementioned testimony of the sage, Rabbi Moses Narboni, and according to what is well known to anyone who studies natural history (*Naturgeschichte*), many kinds of stones may be found in nature containing various images. I myself have seen a special kind of marble like this. According to what is told, the stones found at Mount Sinai also are of this kind. From this it becomes clear that after Moses fashioned the two tablets of stone from the mountain, and found on them the aforementioned divine writing, he explained to the people the way to understand this previously unknown writing.

A nineteenth-century Jewish pilgrim to Mount Sinai was familiar with Narboni’s account but, as a result of his own visit, differs with him on several points. In 1866, Jacob Ha-Levi Saphir of Jerusalem (1822–1885)¹⁵ published a Hebrew account of his travels, during the course

‘Avraham ben ‘Eli‘ezer Ha-Levi Ha-Mequbbal Mi-Shenat 5288”) was published by Malachi Bet-Aryeh in *Qovez ‘Al Yad* 16 (1966), pp. 371–378. Our passage may be found on pp. 373–374. Cf. *Encyclopedia Judaica* 2:140–141.

13. Solomon Maimon, *Giv‘at Ha-Moreh* (edited by S. H. Bergman and N. Rotenstreich, [Jerusalem: 1966]), p. 99. Cf. S. H. Bergman, *The Philosophy of Solomon Maimon* (1967), and *Encyclopedia Judaica* 11:741–744.

14. Maimon, *Giv‘at Ha-Moreh* I:66, p. 99.

15. Jacob Ha-Levi Saphir, *‘Even Safir* (Meqizei Nirdamim, Lyck, 1866), pp. 38–39. Cf. *Encyclopedia Judaica* 14:852–854.

of “four years and nine months” in Egypt, Arabia and Yemen, India, and “the new country of Australia,” in a book entitled *Even Saphir* (The Sapphire Stone, after his own name, Saphir):

What Narboni tells us in his commentary on the *Guide of the Perplexed* I:66 is correct, that he saw the stone of the bush and broke it into little pieces, in each of which he found the form of the bush. This is why, according to the commentators, the mountain is called Sinai. I will add to this a reliable testimony (not actually according to his words), that the grass and vegetation and forestation of these mountains are all solid stone shrubbery. Therefore, to this day they are called ‘*awas Sinai*’ (ruggedness of Sinai) in Arabic.¹⁶ I also saw there that their houses are built of “wooden” beams as large as complete trees, lying along the length of the walls and roofs. When I touched them, I saw that they were stones, as long as trees of the forest. When I walked about the fields and climbed the mountain, I saw mountainous grasses and many reddish and green flowers the height of one or more handbreadths, the shoots of which split and branched here and there, and looked to me like vegetables, thorns, and brambles. When my foot trampled on them, they shattered under my soles, and I heard the sound of stone breaking. I examined them, and they were all inanimate solid stone. In the broken places of each “plant” one could see capillaries branching out, just as can be seen in olive trees, and not the form of a bush. I rejoiced over them, and plucked and gathered enough of them to fill my lap and bags, as much as I could carry.

Narboni’s account might, at first, be interpreted as indicating some kind of crystal whose regular crystalline structure would be preserved even when repeatedly divided, and which would, when looked through, manifest some kind of image “from within,” “the color of which changed according to the color of the stone.” Saphir’s more recent account, however, has the greater advantage of reflecting an actual visit to Jebel Musa (Arabic: Mountain of Moses), traditionally identified as the biblical Mount Sinai, at whose foot lies the monastery of Santa Katherina, supposedly on the site of the burning bush. Saphir’s description of the stones *in situ* differs in some details, by his own explicit acknowledgement, from Narboni’s account of a stone purportedly from Sinai. First of all, Saphir describes not a bush *per se*, but all kinds of vegetative forms in stone. Second, the specific form that he describes is capillary, not that of a bush. Third, he also describes long stone “beams” resembling wood, which would be incompatible with a transparent or translucent crystal.

What kind of stone could explain the phenomena described in our sources? The solution to our riddle seems to be the stone known, in Hebrew, as *pirhei mangan* (manganese flowers) to Sinai scholars and visitors. These “flowers” are *manganese dendrites* in the Sinai rock, which may be found elsewhere in the Sinai, but are especially prevalent in the area of Jebel Musa (Mount Sinai). A dendrite (from the Greek *dendron*, tree) is a branching, treelike mark made by one mineral (in this case manganese) crystallizing in another, or a stone or mineral with such a

16. Cf. Edward Lane, *An Arabic-English Lexicon* (London, 1893), Pt. 5, pp. 2196–2197, ‘*awas*.

mark.¹⁷ The manganese crystallizes in a regular or geometric pattern uncannily resembling living vegetable forms, such as trees or branches, and, by the untrained eye, can easily be taken for some kind of petrified wood or fossil. The manganese deposits form in cracks in the stone in solution and, therefore, can often penetrate deep into the stone. As a result, if the stone in question has such deep deposits spread throughout, and they crystallize in a regular pattern, no matter how often one would break the stone into pieces, one would always find that particular pattern visible on each fragment. The pattern is thus visible “on the face of each piece, from within,” in Narboni’s description. The patterns may easily suggest a bush or capillaries, or many other plant forms. But, as Saphir correctly understood, they are “all inanimate stone.”

A phenomenally clear and hauntingly beautiful example of a dendrite, which can easily be mistaken for a photograph of a tree or bush, may be found in Feininger’s *Roots of Art: The Sketchbook of a Photographer*:¹⁸

These delicate, plantlike structures are dendrites . . . They have nothing to do with plants. Nevertheless, their resemblance to certain types of plants, which extends down to minute details of structure and growth pattern, makes one wonder whether there is a connection that science has so far overlooked—some basic principle that has to do with the way in which atoms combine to form molecules and molecules combine to form the grosser structure of things both inanimate and animate. Actually, where is the boundary between the living and the dead? Dead crystals grow as if they were alive, and live viruses, when desiccated, crystallize like minerals, only to come back to life again when conditions are right. And, in the last analysis, all the components that make up a living organism, including man, are nothing but inanimate matter—atoms, elements, chemical compounds—yet together they constitute life.

After so many centuries of religious attention focused on the Holy Land, it is no wonder that stories associating miraculous occurrences and qualities with various sites abound in Jewish, Christian, and Muslim literature. But the natural can be even more wondrous than the allegedly supernatural, and the science of geology, which is suspect in some fundamentalist circles for its supposed opposition to religious truth, can, in the strange case before us, confirm religious accounts which, at first glance, strike us as fantastic.

17. Cf. M. Gary, R. McAfee, C. Wolf, *Glossary of Geology* (Washington, D.C.: American Geological Institute, 1974), p. 186: “Dendrite—A mineral, e.g., a surficial deposit of an oxide of manganese, or an inclusion, that has crystallized in a branching pattern.” Also cf. J. V. Howell, *Glossary of Geology and Related Sciences* (Washington, D.C.: American Geological Institute, 1966), p. 77: “Dendrite—1. A branching figure resembling a shrub or tree, produced on or in a mineral or rock by the crystallization of a foreign material, usually an oxide of manganese . . . Also the mineral or rock so marked. 2. A crystallized arborescent form.”

18. Andreas Feininger, *Roots of Art: The Sketchbook of a Photographer* (London: Thomas and Hudson, 1975), pp. 60–61. Feininger does not indicate the origin or location of the dendrite shown in his remarkable black and white photographs. This particular dendrite is manganese in sandstone.

The Zolli Conversion: Background and Motives

WALLACE P. SILLANPOA and ROBERT G. WEISBORD

IN FEBRUARY OF 1945, AND TO THE SHOCK OF the Jewish and non-Jewish world alike, Israel Zolli, Chief Rabbi of Rome's Synagogue, converted to Catholicism, taking as his baptismal name Eugenio, in homage to the then reigning pontiff, Eugenio Pacelli, Pius XII. A narrative of the events leading up to the rabbi's baptism can be found in our article, "The Baptized Rabbi of Rome: The Zolli Case" (JUDAISM, Winter 1989). In what follows, the authors hope to contextualize that narrative by providing additional description and comment on a number of events and personalities both preceding and surrounding the scandalous conversion. In this way, readers interested in the Zolli case may better assess the extant documentation¹ in coming to an understanding, and a judgment, of the affair.

On the Friday evening in 1945 following Zolli's baptism, a huge throng gathered at the Great Synagogue in Rome for the traditional Sabbath service. The crowd's primary purpose was to re-affirm its fidelity to Judaism and to the Jewish people, while the gathering's very presence marked a re-statement of trust in the historical, moral, and spiritual vitality of Israel. Several thousand Jews—estimates run as high as four thousand—convened to give an impassioned response to the defection of their former leader. Even Silvio Ottolenghi, Zolli's erstwhile ally, had been alienated by the rabbi's deed. Writing to British Major Meyer Berman, one of the Allies' rabbis stationed in Rome, Ottolenghi said that the Zolli case had not even grazed the body of Roman Jewry. Indeed, the community had been re-invigorated and strengthened, as always happens whenever useless or harmless elements are jettisoned.² By March, 1945, Berman, too, had come to regard Zolli as an "egoist of the first order with a mania for himself."³ Both concluded

1. Additional and important insights into the Zolli case would very likely result from an examination of the Vatican Archives. Unfortunately, those files are closed to public scrutiny at sixty-year intervals, and only word from the Pope himself would allow researchers and scholars accessibility to the information therein contained.

2. Zolli File, Letter from Ottolenghi to Berman, 9 March 1945.

3. Berman Papers, Letter from Rabbi Berman to Judith Berman, 4 March 1945.

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that Zolli was concerned only with himself to the complete disregard for communal concerns. Rabbi Jacob Hochman, the American army chaplain in Rome, called him a “man without integrity or character.”⁴

Since February of 1945, Zolli’s reason, or reasons, for becoming a Catholic have been the object of much speculation. What really motivated him? Perhaps there is no monistic, no single, simple explanation for the decision, but it is certain that revenge against the Jewish community for what he perceived to be shabby treatment was indubitably a major factor. Support for this thesis comes from various quarters, not all unfriendly to Zolli. For example, in a September, 1944 conversation with Giorgio Fiorentino, one of his few staunch supporters, Zolli talked of the Jewish community’s iniquitous attitude and threatened that if he were thrown into the streets after having dedicated forty years of his life to Judaism, the community would pay dearly. Fiorentino was overwhelmed by the rabbi’s words, and he cautioned him about doing anything that could justify the conduct of the Roman Jews.⁵

On February 11, 1945, shortly after the community leadership’s call for Zolli’s resignation as chief rabbi—and just two days before the baptism—Rabbi Hochman met Zolli leaving the rabbinical office where he had just presided over a divorce proceeding involving two Yugoslav Jews. The two men chatted for a while; suddenly, and somewhat cryptically, Zolli blurted: “Now I’m happy . . . they will now see what a mess they’ve gotten into by forcing my resignation.”⁶ Likewise, after having been informed days later by a midnight call that the Chief Rabbi had been baptized, Rabbi Berman telephoned the Zolli household to determine if the shocking news was accurate. He spoke to the ex-rabbi’s daughter, who neither confirmed nor denied the story, asserting, however, that if her father had converted, she could well understand, since he had received such bad treatment at the hands of the community.⁷

Zolli’s estrangement from his congregation was also the central chord struck in a conversation with the Allied chaplains who visited him hours after the conversion was announced by the Italian press. Berman, the senior Jewish chaplain in the Central Mediterranean force and a recipient of the M.B.E. (Member of the British Empire) for his gallantry and distinguished service in Italy, meticulously recorded the conversation in a letter to his wife. He recalls Zolli’s lengthy explanation of how much he had suffered since his very entry into the service of the Jewish community, first in Trieste and then in Rome. There had been scant recognition of his scholarly qualities in Trieste during the nearly three decades he had resided there, but the treatment meted out to him in the Italian capital was even worse. From the outset, he had encountered

4. Hochman statement (undated).

5. Zolli File, Giorgio Fiorentino testimony, 16 July 1945.

6. Hochman statement (undated).

7. Letter from Meyer Berman to Judith Berman, 18 February 1945.

obstruction and a total absence of appreciation. A litany of grievances tumbled from the ex-Chief Rabbi's lips. The animosity that had been shown to Zolli when he reappeared after the Nazis' departure had left him sullen. He recounted how he had been the target of violence on the very first day when he emerged from hiding.⁸

Echoing the former Chief Rabbi's sentiments, Berman wrote that Zolli was tired, ill, and under considerable strain. Furthermore, like most Romans, he was hungry, and he bemoaned the fact that his salary was inadequate to meet his basic needs. At the age of sixty-four, he was being abandoned despite the fact that he had worked long and faithfully, toiling from morning until night, day in and day out. It was obvious to Zolli that he had become a pariah in a community yearning to call back from Palestine his predecessor, Rabbi David Prato. What was he to do? Where was he to go? It must be noted that, during this long discussion, the embittered Zolli referred to himself more than once with the Hebrew term, *meshummad lehakh'is*, a convert out of spite.⁹

Berman, who had allowed Zolli to bare his soul without interrupting, then commented that he appreciated all of the suffering and hardship that the ex-Chief Rabbi had undergone, and that he felt great sympathy for him. He granted that the recent convert had made a persuasive case for communal ingratitude, but was that enough to make him a Catholic?

Hochman reminded Zolli of a conversation which they had had four or five months earlier in which the Chief Rabbi had declared:

How beautiful Catholicism is on the outside. Everything is so orderly. The authorities receive so much respect. But on the inside—nothing. And Judaism, how shabby on the outside—but on the inside so rich.¹⁰

Zolli brushed aside Hochman's recollection and replied that he did not wish to engage in polemics. He did add that he had thought about Christianity for a long time and found the figure of Christ very appealing.

It is noteworthy that when Rabbis Berman and Hochman spoke to Zolli's wife that same morning, she referred to her husband as a "great man who was not understood by his people; a tired, old man who had been abused by them." In the new milieu, she added,—with obvious reference to the Catholic Church—"his capacities were appreciated."¹¹ On that day, neither Rabbi nor Signora Zolli mentioned any personal religious experience which they had recently undergone. This oversight takes on considerable importance in light of Zolli's later explanation of the fateful step undertaken in February, 1945.

Rumors have long circulated that Emma Maionica Zolli—whom Zolli wed after the death of his first wife in 1920—was, to begin with, not

8. Letter from Meyer Berman to Judith Berman, 21 February 1945.

9. Ibid.

10. Hochman statement (undated).

11. Ibid.

even Jewish. Indeed, one Zolli detractor wrote that the February 13, 1945 baptism was a “reconversion” for Emma because she was actually a “Catholic girl” from birth. In order to marry a rabbi, she had become a Jew. After twenty-five years of Judaism, Zolli “simply brought the lost sheep back to the fold of her shepherd.”¹² Father Boccaccio, an eyewitness to the baptism, also suspected that Zolli’s consort had been originally Catholic, for he observed her at the baptism holding a crucifix and an old, dog-eared Catholic prayer book which, he assumed, had long been in her possession.¹³ However, Miriam Zolli-de Bernart has stated that her maternal grandfather was a Jewish archeologist and her maternal grandmother a Catholic who had embraced Judaism.¹⁴ In any case, there is no evidence suggesting that Zolli’s decision to join the Catholic Church was influenced by his second wife, who seems to have followed her husband’s lead in most matters.

Rabbi Berman posed the puzzling paramount question in the following terms: was this conversion “a case of treacherous traitorship or calculated fraud,” or, alternatively, was it an act that sprang from “genuine affection for the Catholic faith” engendered by Zolli’s scholarly studies of Christianity?¹⁵ Berman himself came to the conclusion that the community was not blameless and that money had provided the catalyst for the conversion. Berman had not the slightest doubt that, had the community decided to retain Zolli and had it offered him an “honorable salary,” he would not have taken the sacrament. For Berman, one of the most painful experiences of his entire life was hearing Commissioner Ottolenghi try to prove his loyalty to the Jews of Rome by explaining that he had sought a way to pay the smallest possible pension upon Zolli’s retirement.¹⁶

In contrast, Rabbi Hochman ascribed the ex-Chief Rabbi’s “strange act” to a personality disorder, an aberration. Zolli’s personality was a sick one, the American chaplain thought.¹⁷ For Rabbi Louis Newman, Zolli was sure to prove a “fertile subject for psychiatrists.”¹⁸ It sorely strained Jewish credibility to accept the idea that Zolli’s conversion was rooted in any sincere espousal of Jesus as the messiah.

Yet, in his 1954 autobiographical memoirs entitled, *Before the Dawn*, Zolli simply asserted that his “conversion was motivated by a love of Jesus Christ.”¹⁹ His mystical attraction was traceable to childhood ex-

12. A.S.E. Yahuda, “The Conversion of a ‘Chief Rabbi,’” *The Jewish Forum* (September 1945): 175.

13. Father Pietro Paolo Boccaccio, personal interview, Rome, 22 May 1987.

14. Miriam Zolli-deBernart, personal interview, 23 May 1987.

15. Letter from Rabbi Berman to Judith Berman, 21 February 1945.

16. Letter from Rabbi Berman to Judith Berman, 4 March 1945.

17. Hochman statement (undated).

18. Louis I. Newman, *A “Chief Rabbi” of Rome Becomes a Catholic—A Study in Fright and Spite* (New York: The Renaissance Press, 1945), p. 80.

19. Zolli, *Before the Dawn*, p. x.

periences. By the time that Zolli (his name was then Zoller) was five or six years of age, his family had moved from Brody to Stanislavia, another city in the Austrian-controlled region of a partitioned Poland. There, on the wall of a friend's home, was a wooden crucifix with an olive branch over it. Whenever young Israel gazed at it, he felt his spirit stirring. He found that Christ awakened in him a sense of great compassion.²⁰

In retrospect, it is difficult not to be skeptical of Zolli's account of his initial encounter with a crucifix. Given the melancholy history of anti-Semitism in Poland and the late nineteenth-century recrudescence of Jew-baiting in Austria, an association between the figure of Christ and the quality of mercy was most unlikely for a Jew—even a young Jew—in that era. For almost two millennia Jews had been persecuted in Christ's name. They had been maimed and killed because their forefathers had supposedly been guilty of the crime of deicide. During Easter time, pogroms had often been carried out by mobs with Christ's name on their lips. Yet Zolli would have the readers of his autobiography believe that a Jewish child, educated in Jewish schools and nurtured in a Jewish home, would somehow equate Christ with compassion.²¹

According to Zolli, the seeds of the future conversion, sown in his Galician childhood, would ripen half a century later in Rome, a Rome just emerging from the Nazi pogrom of unprecedented ferocity. During the intervening years, Zolli—who was descended from a long line of rabbis on his mother's side—distinguished himself as a scholar in both secular and rabbinical studies,²² but still he remained haunted by the mystery and meaning of Christ's passion on the cross?

Zolli claimed that it was during World War I—probably in 1917—that he underwent the first in a series of intensely personal religious experiences. In time, he came to describe these occurrences in mystical terms. Later, in his memoirs, he recounted a final, very profound experience which he claimed to have undergone on Yom Kippur in 1944. During the last service on that holiest of days in the Jewish calendar, Zolli described himself as feeling withdrawn from the ritual, conscious of neither sorrow nor joy, and devoid of thought. His heart was lifeless. Then, suddenly, a vision of Christ appeared before the Chief Rabbi, a vision he was soon to embrace as the messiah. In his autobiography, Zolli offers the following account of the event:

I saw Jesus Christ clad in a white mantle, and beyond His head the blue

20. *Ibid.*, p. 24.

21. This point is also made by Rabbi Gerald Raikin in a sermon entitled, "Story of a Convert," delivered at the Stephen Wise Free Synagogue, New York City, April 9, 1954.

22. Zolli studied briefly at the University of Vienna and then moved to Florence, where he enrolled both at the University and at the Italian Rabbinical College. At the University of Florence he earned the equivalent of a Ph.D. Even before he became Vice Rabbi in Trieste, he had published widely.

sky. I experienced the greatest interior peace. If I were to give an image of the state of my soul at that moment I should say: a crystal-clear lake amid high mountains. Within my heart I found the words: "You are here for the last time." I considered them with the greatest serenity of soul and without any particular emotion. The reply of my heart was: So it is, so it shall be, so it must be.²³

Zolli subsequently elaborated on the events that occurred in the wake of the Yom Kippur apparition. Later that evening, after he had broken the Yom Kippur fast, Zolli's wife informed him that she, too, had had a vision of Christ. She claimed that, when her husband stood before the Holy Ark, she had seen the white figure of Jesus place his hands on the rabbi's head as if to bless him.²⁴

Indeed, in his autobiography, Zolli claims that his daughter, Miriam, also reported having dreamt that she saw a "very tall, white Jesus."²⁵ However, Miriam Zolli-de Bernart, a psychoanalyst still living in Rome, has categorically denied having had any religious mystical experience in the fall of 1944. She insists that she is the least mystical of people and that she is not a practicing Catholic. "If you squeezed me like a lemon," she explains, "you would not find one drop of mysticism."²⁶ Although Miriam did convert one year after her parents, she today explains her conversion in terms of filial piety and devotion. She has explicitly stated that she would have followed her father into hell. Moreover, she admits that, at the time, she was confused and under considerable stress, and she did not want to cause her own isolation. As for her father, to whose memory she is still devoted, she believes that he did, in fact, have two sides to his nature—a scholarly one, which enabled him to execute rigorous Biblical exegesis,—and a second, mystical inclination which came to dominate.

This conflict between mysticism and rationalism was also commented upon in 1945 by Giuseppe Bertel, who claimed that he had known Zolli well during his own residence in Italy. Bertel acknowledged the cold, rational contours of Zolli's thinking, but he also discerned an opposing facet in the Chief Rabbi's character during a lecture that Zolli delivered in Modena, perhaps in 1934. At that lecture, Zolli dealt with the meaning and importance of prayer and how prayer generates emotional ecstasy. Bertel claims that the talk brought vividly to his mind certain pronouncements of St. Catherine. As a result, Bertel became convinced that "at bottom Rabbi Zolli was a mystic."²⁷

23. Zolli, "The Triumph of the Rising Sun," *Before the Dawn*, p. 183.

24. *Ibid.*, p. 184.

25. *Ibid.*

26. Miriam Zolli-deBernart, personal interview, 23 May 1987.

27. Giuseppe Bertel, "The Case of Rabbi Zolli," *Congress Bi-Weekly* (2 March 1945): 11–12. Catherine of Siena, the 14th-Century saint, represents a popular blend of humanitarianism and mysticism. She was canonized in 1461 and, in 1939, Pius XII declared her Italy's chief patron saint, together with St. Francis of Assisi.

This curious amalgam of analytical detachment and intense mystical fervor that Bertel speaks about must be taken into account when trying to explicate a scholarly book written by Zolli when he was yet Chief Rabbi of Trieste and a professor of Semitic studies at the University of Padua. Published in Udine by the Institute of Academic Editions in 1938, one year before Zolli was called as Chief Rabbi to Rome, *The Nazarene* is subtitled *Studies in New-Testament Exegesis in the Light of Aramaic and Rabbinical Thought*.²⁸ Admittedly, it is difficult to arrive at an impartial appraisal of *The Nazarene* and the debate to which it gives rise. Zolli's text abounds with statements that, when extrapolated from context, could support either a charge of Jewish heterodoxy or a defense of the work as mere dispassionate scholarship of an otherwise Orthodox Jew. But, as the reader draws near to the volume's end, many ambiguities dissolve and the air of detached scientific discourse gives way to pronouncements of a more direct temper. When addressing the Gospel narrative of Christ's last hours, for example, Zolli uses parallelisms and precedents from Hebrew scripture to confirm, in effect, that Christ is the fulfillment of Old Testament prophecy. Moreover, Zolli cites Christ's ability to predict the unfolding of his betrayal, passion, and death as proof of "the divine force of the foresight possessed by Jesus."²⁹ It is likewise difficult to dismiss as mere hermeneutics the words of a Chief Rabbi who, addressing the significance of Christ's death, writes in almost rhapsodic language that:

Rabbinical teaching, despite the fact that it was widespread and popular, was never within easy reach of everyone. By now the bloody cult no longer satisfied that instinctive need to sacrifice that a people so profoundly religious as Israel feels. And the eternal, imperishable thirst for mystical sensations lived yet beneath the surface of the Hebrew soul. . . . All that is reflected in the figure of Christ . . . the nostalgia for mystical communion with the Absolute.

These remembrances, these desires, these aspirations form a synthesis which is personified in Jesus. The *kuppuru* is accomplished, and it is the sacrifice of one's own self, and it is the blood that flows, and it is the blood freely shed, and it is the act of reconciliation by which God is glorified and sanctified, and it is the mystical union with the Absolute.³⁰

Despite such words, pregnant with inferences for what was to occur in 1945, Jews in Italy and abroad later found it implausible that a man of Zolli's intellectual stature had sincerely relinquished Judaism for Catholicism. To believe that the conversion was genuine was to admit, somehow, that, in the doctrinal competition between the two faiths Judaism had been found wanting. Jews therefore attributed Zolli's baptism to psychological quirks, to personality shortcomings, or to a ven-

28. Israel Zolli, *Il Nazareno—Studi di esegesi neotestamentaria alla luce dell'aramaico e del pensiero rabbinico* (Udine: Istituto delle Edizioni Accademiche, 1938/XVI).

29. Ibid., p. 109.

30. Ibid., p. 355. *kuppuru* signifies "atonement."

detta against the Roman Jewish community which, in effect, had dismissed him as Chief Rabbi. Jews were eager to believe that they had rebuffed Zolli before he had rejected them.

But the truth appears to be more complex. At least on some level, Zolli had intellectually and emotionally crossed the gulf from Judaism to Catholicism even before the onset of World War II. However, it was the envenomed relations between Zolli and the Jews of Rome after June, 1944 that provided the spark and the incentive for the formal conversion and determined its timing and circumstances.

If Rabbi Zolli thought as a Catholic by 1938, if he accepted Christ as the messiah foretold in the Old Testament, why did he not seek baptism then, instead of waiting seven years? We shall perhaps never know the answer to this intriguing question. Cynics might postulate that his concern with career advancement discouraged him from doing so. After all, he had devoted a lifetime to the rabbinate. To be sure, his position in Fascist Italy would not have been improved by baptism, inasmuch as the Racial Laws of 1938 defined as Jewish a convert whose mother and father were both Jewish. It was, in fact, this "biological" definition to which the Church took strong exception. We can only speculate, then, as to what degree of Vatican protection an earlier conversion by Zolli might have secured.

Flight from Italy was also an option open to Zolli. In 1938, he was supposedly offered an opportunity to teach at Dropsie, a Jewish college in Philadelphia, but he declined the offer. Why? Daughter Miriam explains that, unable to take his fellow Jews with him, he was unwilling simply to abandon them.³¹ Thus, he remained in Trieste, a Marrano in reverse. Unlike the Marranos of old who were outwardly Catholic and inwardly Jewish, Zolli remained Jewish, even rabbinical on the outside, but covertly Catholic within.

Given Zolli's romance with Catholicism even before taking up residence on the banks of the Tiber, is it conceivable that his "rebirth" was the consequence of deliberate seduction by the Holy See? Stunned when a late night phone call informed him of Zolli's conversion, Captain Neufeld suspected that the Vatican had enticed the Chief Rabbi: "The Pope had made it known, through the devious means the Church is adept at, that the Pope would grant Zolli an audience if he desired one."³² According to Neufeld, the Swiss Guard then performed their "fancy gyrations" and Pius XII told Zolli that, while he might not be fully appreciated by his own denomination, he would be highly valued by the Catholic Church. Assurance of a post as either a teacher or librarian

31. Miriam Zolli-deBernart, interview, 23 May 1987.

32. Neufeld Papers, Container 21, Letter from Maurice Neufeld to Hinda Neufeld, 15 February 1945.

was also part of the seduction.³³ Neufeld further speculated that the conversion might have been encouraged by the Church to embolden upper-middle class Jews already predisposed to Catholicism to take the final step away from Judaism. This thesis has not been corroborated, and Neufeld cited no proof for it at the time. While it may be safely assumed that the Church did not discourage Zolli's desire to embrace Catholicism, it is almost certain that the Chief Rabbi, not the Vatican, was the first to make overtures.

Although Zolli undoubtedly chose Eugenio as his baptismal name in homage to Pius XII—this has been confirmed by his daughter Miriam and by Father Dezza³⁴—he himself denied unequivocally that he had converted out of gratitude to the Pope.³⁵ Despite persistent rumors to the contrary, Zolli neither sought nor enjoyed sanctuary within the Vatican at the moment of Nazi occupation. Nevertheless, he did write at length about Pacelli's magnanimity during the Holocaust in Italy. An entire chapter of Zolli's autobiography is devoted to praise for the Pope's generosity and altruism as the following excerpt illustrates:

Like a watchful sentinel before the sacred inheritance of human pain stands the angelic Pastor, Pius XII. He has seen the abyss of misfortune towards which humanity is advancing. He has measured and foretold the greatness of the tragedy. He has made himself the herald of the serene voice of justice and the defender of true peace. He took into his heart the pain of all the sufferers.³⁶

In Zolli's eyes, the Holy Father's charity was manifold. He even credited the pontiff with sending "by hand a letter to the bishops instructing them to lift the enclosure from convents and monasteries so that they could become refuges for Jews."³⁷ There is no gainsaying the fact that countless Jews, perhaps thousands, found asylum in Catholic churches, convents and monasteries. The courage and humanity of many Italian Catholic clergy who risked their lives to save Jews has been amply documented, but there is no evidence at all of any papal letter ordering, or even encouraging, them to do so. If such a letter existed, it would surely have been displayed by Vatican authorities to counter those who, beginning with Rolf Hochhuth in *The Deputy*, have pilloried Pius XII for dereliction of moral duty.³⁸

33. Ibid., and Letter from Maurice Neufeld to the authors, 2 December 1987; also, Maurice Neufeld, telephone interview, 2 March 1987. When he returned to civilian life after the War, Neufeld enjoyed an outstanding academic career as professor of Industrial and Labor relations at Cornell University.

34. Miriam Zolli-deBernart, interview, 23 May 1987, and Dezza interview, 22 May 1987.
35. Zolli, *Before the Dawn*, p. 189.

36. Ibid., and Eugenio Zolli, *Antisemitismo* (Rome: Casa Editrice A.V.E., 1945).

37. Zolli, *Before the Dawn*, pp. 140–141.

38. Rolf Hochhuth, *The Deputy*, trans. Richard and Clara Winston (New York: Grove Press, 1964).

Ever since 1945 there has been much conjecture about the depth of Zolli's Catholicism. Four decades after the conversion, Jesuit Father Dezza remembered Zolli as a man of great intellectual honesty. Interviewed in the Vatican in 1987, when he was eighty-six years old, Dezza commented that the former Chief Rabbi impressed everyone with his warmth and modesty. He was very sympathetic, very human, Dezza reported. At the Gregorian University where Zolli lived after his baptism, he went to mass every morning and stayed afterwards to pray. There were times when he actually had to be summoned to breakfast. It was good to be with the Lord, Zolli reportedly told the Jesuit.³⁹

But the change from Judaism to Catholicism was a difficult one, nonetheless, and Zolli actually founded a center in Rome to assist converted Jews. Under the auspices of the Sisters of Zion, the main purpose of the center was to ease the transition for converts like himself and he attended its sessions on a regular basis.

Zolli always insisted that he was steadfast in his loyalty to the Church. In 1950 he agreed to be interviewed by a reporter from the Israeli daily, *Ma'ariv*. Seeing a crucifix and madonna in Zolli's quarters, the journalist asked the former rabbi if he were an observant Christian. Zolli replied that he was "*religiosissimo*," i.e., extremely religious, and added that he scrupulously observed all Catholic practices. The visiting Israeli then asked Zolli if, as the product of a pious family and as a man who for six and half decades had observed Jewish tradition, the holy days did not elicit any desire to recite a Hebrew prayer or cause some Jewish sentiments to vibrate. Zolli's answer was unambiguous. It was as if the entire period of his life spent as a Jew had never existed. He felt as if he had been born Catholic.⁴⁰

Although Zolli would not acknowledge any causal link between the conflict with some of his erstwhile co-religionists in 1943, 1944 and 1945 and the fact that his Catholic religiosity reached its apex at the same time, the available information clearly suggests otherwise. Perhaps Zolli thought it necessary to ingratiate himself with Catholic Church authorities, to convince them of the sincerity of his theological metamorphosis. A convert out of spite would not be so warmly welcomed into the bosom of the Church. In addition, his conversion—if spawned by anger and a thirst for revenge—would pain the Jews less than a bona fide change of heart. The latter would unmistakably imply that Judaism and its adherents are, somehow, in error.

Many converts, including modern-day "Jews for Jesus," insist that in espousing Christianity they are not foresaking Judaism. Zolli declared that the Church, i.e., Christianity, was the completion; the crown; the integration of the synagogue. Judaism promised. Catholicism, true

39. Dezza interview, 22 May 1987.

40. *Ma'ariv*. 9 June 1950.

Christianity, fulfilled the promise. Christianity presupposed Judaism. Indeed, one could not exist without the other.⁴¹

In sharp contrast, Judaism views itself as complete, perfectly capable of an independent existence without Christianity. It is not a prologue to Christianity. Furthermore, Jews see conversion as both treason to one's people as well as to one's faith, and they perceive converts as traitors. Because of Zolli's eminence and his high visibility—because he surreptitiously studied for his baptism while simultaneously serving as Chief Rabbi—Jewish hostility towards him was (and is) profound. Of course, the timing of his conversion, on the heels of the Nazi cataclysm, only deepened that hostility.

After Zolli's baptism, he had virtually nothing to do with his former co-religionists. They had scorned him before the conversion; they loathed him afterwards. He, in turn, continued to feel that he, not they, had been ill-treated. A furious Jewish Council had decided, in the wake of the baptism, that because of Zolli's "deplorable" and "disgraceful" behavior, the promised pension was no longer due him. Zolli appealed that decision to the civil authorities until May, 1946. But, fearful of incurring heavy legal fees, he finally opted to forego it.⁴²

It is most improbable that Zolli expected his spartan standard of living to be markedly improved by joining the Church. But while his life as a Catholic was far from luxurious, his appearance certainly changed for the better. A photograph taken some time after his conversion, perhaps in 1953 or 1954, reveals a clean-shaven, somewhat portly man seated at his desk on which a cross is prominently displayed. This photograph contrasts sharply with several others taken of him in rabbinical garb after the liberation of Rome. Those portray a bearded, thin, even emaciated man with an acid expression on his face.

As far as can be determined, after 1945 Zolli had little or no contact with his far-flung rabbinical colleagues. For them, he had become a pariah. Instead of heading the rabbinical college and training future rabbis in the postwar period, after all, he helped train seminarians at the Pontifical Biblical Institute.

On a few, rare occasions he did see the Pope, whose name he took, but Zolli insisted, in 1950, that they had never discussed his conversion. When they did meet, they dwelled upon the Bible and the Psalms. How did the Pope regard him, the previously mentioned Israeli newspaperman inquired. The ex-Chief Rabbi smiled and replied, "As a Jew," adding that once, at the end of a conversation, the Pope invoked God's blessings upon his family and "his people."⁴³

41. See: A. B. Klyber, "The Chief Rabbi's Conversion," *The Catholic Digest* (September 1945): 92–96. Klyber, himself a converted Jew, became a missionary priest.

42. Sam Waagenaar, *The Pope's Jews* (La Salle, Illinois: Open Court Pub. Co., 1974), pp. 455–456.

43. *Ma'ariv*. 9 June 1950.

Despite his bitter altercations with the Jews of Rome, Zolli *supposedly* tried to alleviate theologically based anti-Semitism after he became a Catholic. On one occasion, Father Dezza took Zolli to see Pius XII, and the ex-Chief Rabbi and the reigning pontiff spoke privately at some length. Zolli later told Dezza that he had entreated the Pope to remove references in the solemn Good Friday services to “perfidious Jews.” Pius refused to do so, explaining that the adjective, “perfidious,” usually connoting treachery and deceit, instead carried the sense of “incredulous” in Latin and within the context of Catholic liturgy.⁴⁴ Nevertheless, years later, on Good Friday in 1959, Pope John XXIII, successor to Pius XII, declared that henceforth the term, “perfidious,”—with its longstanding and commonly accepted pejorative connotation—would be deleted from traditional Catholic prayers for the Jews. There is, thus, not a scintilla of proof that Zolli affected that later change.

There has also been some speculation that Zolli may have influenced the 1965 Declaration on the Jewish People that was issued by the Second Vatican Council convened by John XXIII,⁴⁵ stating that Christ’s crucifixion “cannot be charged against all Jews, without distinction, then alive, nor against the Jews of today.”⁴⁶ It did not forgive the Jews; rather, it disavowed the erroneous notion of collective Jewish guilt for the crucifixion, a notion that had been so deleterious to Jewish well-being over the centuries. Furthermore, the declaration decried expressions of anti-Semitism and the hatred and persecution of Jews.

The architect of the declaration was Augustin Cardinal Bea, whom John XXIII had appointed President of the Secretariat for Promoting Christian Unity. A German Jesuit whose father had been a Bavarian woodcutter, Bea had once served as confessor to Pius XII⁴⁷ and, after Zolli’s conversion, had been the latter’s dean at the Pontifical Biblical Institute. It is likely, according to Father Dezza, that if Zolli influenced Bea on the decide issue, he did so *very* minimally and indirectly.⁴⁸

There is some evidence that, after World War II, Bea, as a German cardinal, felt personal responsibility for the mass murder of Europe’s Jews. He told Elio Toaff, Chief Rabbi of Rome since 1951, that he bore a considerable burden on his own shoulders for the genocide of the

44. Dezza interview, 22 May 1987. Cardinal Bea also wrote that, “Although, to modern ears, this adjective has a pejorative ring, in the medieval latin [sic] of the time of the prayer’s composition, it simply meant ‘unbelieving.’” See: Augustin Cardinal Bea, *The Church and the Jewish People—A Commentary on the Second Vatican Council’s Declaration on the Relation of the Church to Non-Christian Religions*. trans. Philip Loretz (New York: Harper and Row Publishers, 1966), p. 22.

45. For example, see: Dan Kurzman, *The Race for Rome* (Garden City, N.Y.: Doubleday, 1975), p. 425. The same point was made by Fritz Becker, the representative in Rome of the World Jewish Congress: Fritz Becker, personal interview, 13 June 1985.

46. Bea, *The Church and the Jewish People*, p. 152.

47. Peter Hebblethwaite, *In the Vatican* (London: Sidgwick and Jackson, 1986), p. 148.

48. Dezza interview, 22 May 1987.

Jews.⁴⁹ If anyone had significantly shaped the Pope's and Bea's exculpation of the Jews for Christ's death, it was Jules Isaacs, the French Jewish historian. It was he who, at Bea's request, documented the history of Jewish-Catholic relations, especially the Church's traditional portrayal of Jews as a "deicidal people." Consequently, Vatican II's long overdue conciliatory gesture to the children of Abraham cannot, in all likelihood, be regarded as part of the Zolli legacy.

Of course, from the Jewish perspective, Zolli's apostasy has never been forgiven. And, among Roman Jews, it has never been forgotten. After his baptism and until his death in 1956, Zolli received a greeting card every year on his birthday from Rabbi Alfredo Ravenna who had known him at the rabbinical college. On the card Ravenna wished Zolli "*tanti auguri*" and expressed hope that the former rabbi's eyes would be opened, the same sentiment and words long used by Catholics in their efforts to convert Jews.⁵⁰

From Rabbi Ravenna's viewpoint, Zolli's eyes were never opened (or re-opened, to be more precise). He died on March 2, 1956 and was interred in Rome's Campo Verano cemetery. In that mammoth, overcrowded burial ground there is a Jewish section, but Zolli was laid to rest with those of his adopted Catholic faith. His plain, inconspicuous tomb, located adjacent to that of his wife, who died in 1960, bears only a simple cross and the following inscription: "Prof. Eugenio Zolli," together with the dates of his birth and death. Although Zolli stated numerous times throughout his life that he had been born in 1881, the tomb explicably puts his date of birth in September, 1885. Why this four-year discrepancy? That is only one of the many conundrums that confront those who would fathom the enigmatic former Chief Rabbi whose tortuous spiritual odyssey calls to mind an observation made in 1938 by a remarkable Afro-American, Paul Robeson, who said:

There can be no greater tragedy than to forget one's origins and finish despised and hated by the people among whom one grew up. To have that happen would be the sort of thing to make me rise from my grave.⁵¹

While the notion that the one-time Chief Rabbi *forgot* his origins is debatable, Robeson's observation, made with Blacks in mind, applies no less to Jews in general and to Eugenio Zolli, born Israel Zoller, in particular.

49. Elio Toaff, personal interview, 29 May 1987. Also, see: Martin Malachi, *Three Popes and the Cardinal* (New York: Farrar, Straus and Giroux, 1972), Chapter 2.

50. Toaff interview, 29 May 1987.

51. Susan Robeson, *The Whole World in His Hands—A Pictorial Biography of Paul Robeson* (Secaucus, New Jersey: Citadel Press, 1981), p. 248.

Emil G. Hirsch: A Pioneer in Occupational Therapy

ESTELLE BREINES

DR. EMIL GUSTAVE HIRSCH, A PROMINENT leader of Reform Judaism during the period surrounding the turn of the century, lived from 1851 to 1923 and had an influential role in both the religious and secular communities. For the greatest period of that influence, he served as rabbi at Congregation Sinai in Chicago, and was also identified with the social activists of that community.

Coming from a family of renowned rabbis, he followed his father and uncle in that calling, and was ordained as a Reform rabbi. Rejecting an Orthodox heritage, as did his father before him, Hirsch was described as a militant.¹ Reform was not an idle description for him. For many years, he was the editor of the *Reform Advocate*, a periodical which well exemplified its title in the religious and social matters that it addressed.

Hirsch's non-traditional views and actions were widely known and controversial within the Jewish community at large, in which his brilliance was respected. In his effort to adapt ancient traditions to modern society, he adopted practices which were frowned upon by traditionalists, Reform and otherwise. For example, he shifted to Sunday as the day of worship for Congregation Sinai, rejecting Saturday as the traditional Jewish Sabbath. For him, the specific day of rest and worship was not critical, but the acts of observance were. Since the society in which he lived was apt to observe a Sunday Sabbath, he and his parishioners adopted the practice as well. Hirsch felt that it was better to speak to a congregation of worshippers than to an empty house, and thousands, Jews and Gentiles alike, came to hear his sermons.

Clearly, Hirsch's influence extended beyond his congregation and his faith to the broader Chicago community which recognized him as a great scholar and social activist. He was an eloquent speaker, widely known for his willingness to address matters of social concern. Hirsch was deeply committed to social reform and was closely allied with two

1. G.L.B. [sic], *Reform Advocate*, May 1935: 300. See also David E. Hirsch, *Rabbi Emil G. Hirsch, Reform Advocate* (Chicago: Whitehall, 1968), pp. 15–29.

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distinguished women of Hull House fame, Julia Lathrop and Jane Addams, the latter being a Nobel Peace Prize winner.²

Hirsch's emphasis on religion through ethical action, his investment in the growth of knowledge, and his adoption of newer principles and questioning analyses differed from earlier and prevalent orthodoxies. His beliefs melded well with the Quaker principles advanced by Jane Addams. The health of the individual and of the community through action in collaborative benefit was long a principle of Quakers and Jews alike. Belief in these principles, and a mutual devotion to democracy through efforts toward peace, undoubtedly stimulated Hirsch to invite Addams, on several occasions, to speak from his pulpit,³ further evidence of his departure from orthodoxy. They shared the podium many times and at many other places. They were allied in their beliefs and were frequently invited to speak on social issues which concerned them both. There are indications that Hirsch's relationship with Addams may have stemmed from earlier times. Hirsch's father-in-law, David Einhorn, and Addams' father had been active abolitionists in the years when Einhorn had held a pulpit in Baltimore prior to the Civil War.⁴

Hirsch himself had ongoing connections in the Baltimore community, having had his first congregation there. In addition, he became a noted lecturer at Johns Hopkins University, where the famed psychiatrist, Dr. Adolf Meyer, was to establish one of the earliest occupational therapy programs at the Phipps Clinic.⁵

Though he was a brilliant scholar (Hirsch was conversant in seventeen languages), and an acknowledged leader in his religious and social communities, few of his personal papers remain for us. Hirsch's principles remain in a small collection of items held at the American Jewish Archives—Jewish Institute of Religion in Cincinnati. These papers reveal his concern for the community's health and welfare, his interest in active occupation, and his role in developing a Jewish Manual Training School for disadvantaged youngsters in the community.⁶

2. Addams' book, *My Friend Julia Lathrop* (NY: MacMillan, 1935), confirms Hirsch's involvement with Lathrop in a number of social projects. Their mutual concern for the disadvantaged is revealed by their active involvement in numerous agencies and governmental efforts devoted to the care of children, the elderly and the handicapped.

3. G.L.B., *loc. cit.*; D. Hirsch, *Op. cit.* p. 23.

4. D. E. Hirsch, *Op. cit.*, p. 5, The reconstruction movement which followed the war could not have been unfamiliar to them, and was, in fact, a theme which Addams carried forward. (Jane Addams, *Peace and Bread in Times of War*, [NY: Kings Crown Press, 1945], *passim*). The first occupational therapists were called Reconstruction Aides, indicating their connection to this concept.

5. Adolf Meyer, "Plans for Work in the Phipps Psychiatric Clinic," *The Modern Hospital* 1 (1913): 69–70.

6. *A Survey of the Jewish Training School of Chicago* (Chicago: Library of Sinai Temple [December 8, 1920]: 1–601); D. Hirsch, *Op. cit.*, p. 22.

Along with the record of his interests and activities, the literature reveals sufficient sources from which his ideals can be extrapolated, and the case can be made that he held beliefs similar to those of his colleagues and contemporaries. From these limited sources, Hirsch's guiding principles are revealed, and from these sources one can deduce his persuasions.

At the turn of the century, the University of Chicago was the center of a philosophical movement devoted to social activism. Hirsch is acknowledged to be one of the founders of the University. At that time, the faculty included John Dewey and George Herbert Mead, the famous pragmatist philosophers,⁷ Hirsch, himself a philosopher, educator and religious leader, Jane Addams,⁸ Oscar Triggs, a founder of the Arts and Crafts Movement in the United States,⁹ and Adolf Meyer, the famous neurologist and psychiatrist.¹⁰ All of these individuals structured their practices upon the beliefs outlined by the primary philosophers of pragmatism, Charles Peirce, William James, Dewey and Mead.¹¹

The philosophy of pragmatism was based upon Darwin's theme of evolution and Hegel's theme of relationship. Hirsch as well as Dewey were students of Hegel's dialectics, as was Hirsch's father before him.¹² Pragmatism's philosophy of time, evolution and history was a critical theme of the University, which found its application in many veins of thought and action. These concepts were analyzed from many perspectives, with each scholar particularizing the ideas to his own interests, but their universal theme was the relationship of the individual to society and the benefit of each to the other. All of the scholars believed that society's health is dependent upon the welfare of the individual and that the health of the individual contributes to the welfare of society. Asserting these beliefs, the mental hygiene movement, the activist element of this intellectual group, counted Dewey, James, Addams,

7. John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (Toronto: Collier—MacMillan, 1916); George Herbert Mead, *Philosophy of the Present*, edited by Arthur E. Murphy (Chicago: Open Court, 1932).

8. Jane Addams, *Twenty Years at Hull House* (NY: MacMillan, 1910).

9. Oscar Lovell Triggs, *Chapters in the History of the Arts and Crafts Movement* (Chicago: Bohemia Guild of the Industrial Arts League, 1902). The Arts and Crafts movement was based on the principles of William Ruskin, and was a reaction to the industrial revolution. It was, in itself, a social action movement, compatible with, and concurrent with, the mental hygiene movement.

10. Adolf Meyer, *Collected Works of Adolf Meyer*, edited by Eunice E. Winters (Baltimore: Johns Hopkins Press, 1952). Meyer wrote "The Philosophy of Occupation [sic] Therapy," *Archives of Occupational Therapy* 1 (February 1922): 1–10.

11. Estelle Breines, "Pragmatism, A Philosophical Foundation of Occupational Therapy, 1900–1922 and 1968–1985; Implications for Specialization and Education." Ph. D. dissertation, New York University, 1986. Reprinted in E. Breines, *Origins and Adaptations: A Philosophy of Practice* (Lebanon, NJ: Geri-Rehab, 1986), pp. x, xi, 55.

12. D. E. Hirsch, *Op. cit.*, pp. 90–94, 100.

Lathrop, Meyer, Slagle and Hirsch as members.¹³ For them, education and health were one.

Hirsch had other perspectives from which he viewed adaptation and occupation, the principle themes of pragmatism. He felt that God mandated one day of rest every seventh day, though the specific day of rest was not the pertinent issue of the commandment. Rather, Hirsch viewed six days of labor as mankind's vital and obligatory contribution to society, so that it was the active, albeit unmentioned, aspect of the commandment which was significant. The relationship between work and rest, principles also addressed by Meyer,¹⁴ were foundational concepts for Hirsch. He adopted the pragmatic premises of active occupation and adaptation in accord with current social needs and welfare, demonstrating this principle for modern religion and society.

Hirsch was the religionist of his intellectual community. As did the others regarding their own specialized interests, he translated Judaic principles into the terms of the philosophy to which he adhered. His theory of religion is described in the "Laureate Oration" that he delivered at the commencement exercises for newly ordained rabbis on June 24, 1892, in which he traces the relevance of the theme of evolution, describing it as "the majestic arch curving across the wide interval of the ages."¹⁵ He acclaims "our beloved land of free and promising opportunity," revealing his patriotism and his concern for current situations and values. He describes the change and continuity inherent in history by indicating that "the succeeding centuries, connected as they are with one another, do not in all things resemble one another." He stresses "the daily dealings and doings of individual and society," reporting that "to be a Jew implies a great responsibility which shall lift to importance even his trivial acts." And he glorifies "such study as will apply to life, as will lead to a fuller understanding of divine truth and its relation to life," granting meaning to the mundane. He relates the uniqueness of the individual to the social world and the larger universe. He asserts that, "man is a social being. One man is no man" and he

13. Sol Cohen, "The Mental Hygiene Movement; the Development of Personality and the School: The Medicalization of American Education," *History of Education Quarterly* 23 (Summer 1983): 123–149. Eleanor Clarke Slagle is considered by her profession to be the founding figure of occupational therapy. She worked with Dr. Adolf Meyer at Johns Hopkins, and she both studied and taught at Hull House. Her correspondence with Dunton, circa 1917, indicates on the stationery letterhead that she was a member of the Illinois Mental Hygiene Society, along with Hirsch, Meyer, and Addams. (American Occupational Therapy Association Archives, Moody Medical Library, University of Texas Medical Branch, Galveston, Texas).

14. A. Meyer, "The Philosophy of Occupation Therapy," *Op. cit.*

15. This quotation and the others which follow are all from Emil G. Hirsch, "Laureate oration delivered at the commencement exercises of the Hebrew Union College." *Proceedings of the Board of Governors of the Union of American Hebrew Congregations*, Vol. IV, 1891–1897, pp. 2951–2962 *passim*.

emphasizes continuity and development as a religious theme. He states that

to connect and co-relate the single circumstance with its antecedent and consequence so as to detect the spiritual bond and catch a foregleam of the divine plan running through the processions of occurrences, is the ultimate intention of historical comprehension.

“Whatever the distinction of Judaism, it is not extra-human,” he says, declaring the premise of God in the human experience. He cites the pragmatic theme of doubt as motivator “of human conduct,” advising the new rabbis to whom he is speaking to “take issue in the practical concerns of every-day life.” He asserts that “Genesis is a divine poem whose last line has not yet been written” and reminds “the mighty of their obligations to the weak and stirs the weak to efforts to conquer their weakness,” demanding effort from the afflicted in resolving their dysfunction. He speaks of the “healthy realism” of dealing with “actualities” toward meeting society’s needs and concludes:

Civilization brings power and distributes it among individuals, seemingly with an unfair hand. But religion insists that power so conferred be used, not for self, but through self for all . . . In other words, religion for the Jew is ethics and ethics is religion. Its apex is God, its base, man, and between the two it erects the ladder reaching from the lowlands to the divine height.

It is in the theme of *tzedakah* that Hirsch’s view of ethics is revealed. As a scholar of Christianity as well as of Judaism, he compares the Jewish concept of *tzedakah* with the Paulist teachings of charity. Hirsch states that “Charity is not a Jewish coinage” and that Charity at its best is palliative.” He characterizes *tzedakah* in terms of “enablement,” as opposed to “giving,” and attributes Paulist teachings to a Hellenistic misinterpretation of the Hebrew. He identifies this concept, of enabling individuals to care for themselves, thereby contributing to society, as one of Judaic origin. Hirsch envisioned Judaism as an ethical, moral tradition, and he welcomed Christians to these beliefs.¹⁶

This principle of enablement, viewed by Hirsch as a religious theme, was described by Dewey and Addams as a social obligation. Furthermore, it was adopted through Hirsch’s and Lathrop’s offices as the occupational therapy premise at the Chicago School of Civics and Philanthropy, the first school to teach such principles. Hirsch’s pioneering role in occupational therapy has been overlooked, but Wm. R. Dunton, Jr. reports that “Julia Lathrop and Rabbi Hirsch founded the first school of occupational therapy at the Chicago School for Civics and Philanthropy.”¹⁷ This brief statement, repeated in several second-

16. D. E. Hirsch, *Op. cit.*, pp. 10–11.

17. This statement was published in *Occupational Therapy: Manual for Nurses* (Philadelphia: WB Saunders, 1915), p. 18., a book by Dr. William Rush Dunton, Jr., who was one of the founders of the National Society for the Promotion of Occupational Therapy.

ary sources,¹⁸ is the *only* indication that Hirsch was a person who influenced occupational therapy. No other reference to him appears in occupational therapy literature, and no mention of occupational therapy appears among Hirsch's papers or in other histories. No citation, either in archival material or secondary sources, reveals Hirsch's specific purpose with regard to occupational therapy, and the relationship between him and occupational therapy has been neglected until recent times.¹⁹ However, it was at Addams' Hull House that the Chicago School for Civics and Philanthropy flowered. There, principles of active occupation and adaptation, as promoted by Dewey and adopted by Hirsch, Lathrop and Addams, were taught to its students, among them Mary Potter Brooks, the wife of Adolf Meyer, and Eleanor Clarke Slagle, still considered by her profession to be the most prominent occupational therapist of her time.

The progression of theories of active occupation and evolution into an applied health field is a natural one. These pragmatic concepts dealt with application, so that the development of a profession concerned with the application of these ideas was to be expected. The pragmatic belief in activity as an ethical contribution to society demanded that techniques based on these principles be developed, and so they were. Hirsch's contribution to this application came in the form of a school devoted to these principles.

The memorial document published by the Chicago Council of Jewish Women upon Hirsch's death ascribes to him four distinct principles.²⁰ These are identified as Religion, Education, Civic Cooperation and Philanthropy. The Chicago School of Civics and Philanthropy advanced these themes. The underlying principle of the first school of occupational therapy was to benefit society by enabling individuals to take their role in contributing to that society. Emil G. Hirsch was undoubtedly instrumental in establishing these concepts there. The ancient Judaic traditions of education and study in the pursuit of knowledge, of adaptation to a changing world, of *tzedakah*, and of strong concern for community and individual, enabling growth through activity, contributed to the development of a profession which retains these principles. For Hirsch, the grading of abilities in a constant striving for heightened knowledge and heightened contribution to society, by improving the ability of individuals to perform in their own and their society's behalf, was an ethical and religious issue. His interests in issues

18. Sidney Licht, "The Founding and Founders of the American Occupational Therapy Association," *American Journal of Occupational Therapy* (1967), 21: 269; Ruth W. Brunyate, "Eleanor Clarke Slagle Lecture. Powerful Levers in Little Common Things," *American Journal of Occupational Therapy*, 12 (1958): 194.

19. E. Breines, *Origins and Adaptations*, *passim*.

20. A. D. Cowen, "Foreword, In Memoriam," *Chicago Section Council of Jewish Women*, vol. 4, 4 (1923): 3.

that are also fundamental to occupational therapy appear to indicate Hirsch's motives in regard to founding the Chicago School of Civics and Philanthropy, as well as the Jewish Manual Training School.

Yet, one must wonder what contributed to the dearth of evidence, in occupational therapy literature and common knowledge, of Hirsch's role in the formation of the profession. Some perspectives might lead one to attribute such obscurity to subtle aspects of antisemitism, or, at least, to a denial of origins in Judaic beliefs. However, another situation, and, in this author's view, a more important set of events, developed when the profession was founded.

Dr. Dunton, to whom is attributed the only reference to Hirsch in occupational therapy literature, was the only editor of the official journals of occupational therapy from 1917, when the profession was founded, to 1946, when he relinquished this role.²¹ In that length of time, his view of occupational therapy undoubtedly colored the literature, permitting the collective memory of Hirsch's involvement to dim. Dunton was not from the Chicago community and does not appear to have been a member of the mental hygiene movement. His approach to treatment was described in terms of a Cartesian philosophy antithetical to pragmatism, and according to a medical model in which therapists were trained to serve, as were nurses, as "handmaidens to the physicians." Despite the fact that equal numbers of founding figures of the profession were men and women, occupational therapy was advanced henceforth as a female profession. Contributing to this development was World War I. Since the men were at war, women were recruited as therapists, reinforcing the view that occupational therapy was a women's profession, and that their views as practitioners were of less significance than were those of their male superiors.

In addition to these influences, and perhaps resulting from them, no reference to philosophy was included in the early educational curriculum of occupational therapists, although the themes of adaptation and occupation remained principles for treatment. Since no sources for these ideas were cited, they were not viewed with the respect that they warranted. Furthermore, a conflict developed between beliefs and experiences. Professional beliefs founded in pragmatism conflicted with therapists' work experiences within systems that held with scientific,

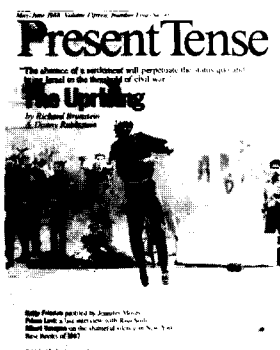
21. Dunton published the *Maryland Psychiatric Quarterly* from 1914–1922. It was adopted as the official publication of the National Society for the Promotion of Occupational Therapy in 1917 when the association was founded. In 1922, *Archives of Occupational Therapy* began publication, with Dunton as editor. In 1925 the name was changed to *Occupational Therapy and Rehabilitation*. Upon Dunton's retirement in 1946, he attempted to transfer the editorship to Dr. Sidney Licht, but the American Occupational Therapy Association elected to retain the editorship of their own journal and established the *American Journal of Occupational Therapy*. It was at that time that the profession began to control its own literature.

medical beliefs. That the individual could contribute to his or her own health through activity was acknowledged but belittled, because it was not founded in science, the foundational belief of those in power.²² External scientific and political forces kept the profession from recognizing that their belief in active occupation as a source of health for individuals and their community was based on well reasoned philosophical analyses.

In effect, not only was reference to Hirsch absent from the literature, but all references to the major philosophers of pragmatism were also absent. Only Meyer's beliefs remained, pristine of reference to his origins in pragmatism and the mental hygiene movement. Until recently, the history of occupational therapy has been presented as if it started in 1917, with no other influences preceding it.

What is most remarkable is that, despite the dearth of documentation, Hirsch's principles guide therapists to this day. Advancing the ability of individuals to contribute actively to their own needs and those of their society, and advocating that society enable individuals to act on their own behalf, remain guiding principles for occupational therapists. That these ideas are based on Hirsch's inherent beliefs in the nature of mankind's development and evolution, and that they are based, at least in part, on a genetic concept of religious derivation remains obscured.

22. E. Breines, *Op. cit.*, *passim*.

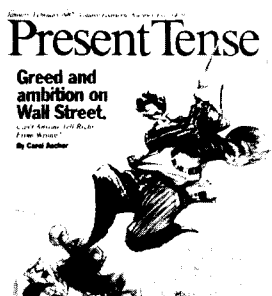


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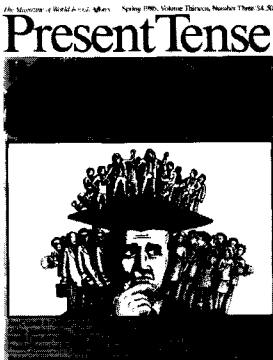
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Paul's Jewish Odyssey

ELLIS RIVKIN

PROFESSOR HAYYIM MACOBY'S RECENT contribution to Pauline studies, *Mythmaker: Paul and The Invention of Christianity* (New York: Harpers 1986), is to be welcomed. It illuminates just how far a Jewish scholar can go in seeking to exorcise Paul from the body and soul of the Jewish people. Not content, as other Jewish thinkers have been, with simply reading Paul out of Judaism on doctrinal grounds, Macoby would read him out on the grounds that Paul's autobiographical account of an immaculate Jewish birth and a Pharisaic zeal is woven out of whole cloth. As far as Macoby is concerned, Paul's protestations to the effect that

if any other man thinks he has reason for confidence in the flesh, I have more; circumcised on the eighth day, of the people of Israel, of the tribe of Benjamin, a Hebrew born of Hebrews; as to the law a Pharisee, as to zeal a persecutor of the church, as to righteousness under the law blameless (Philippians 3:4-6)

and Paul's insistence that he had been advanced in Judaism beyond many of his own age, insofar as his zeal for the *paradosis* of the fathers* was concerned (Galatians 1:13-14)—all are sheer fabrications.

Instead, Macoby would have us believe that Paul was a pagan-born convert, a failed Pharisee, and the inventor of a new religion stitched together with biblical shreds, gnostic teachings and "the primitive imagery of the mystery cults derived from prehistoric rites of human sacrifice." Desperate in his need to gain a hearing for a pastiche of his own making, Paul simply trumped up bona-fides attesting to a Jewish birth and a Pharisaic precociousness, bona-fides with no basis in fact.

With one bold stroke Macoby delivers a *coup de grace* to Paul's claim that it was in the full flower of his Pharisaic righteousness that he had been plucked by Christ to preach the "good news" that the Son of God had risen from the dead and had been called upon to proclaim that the Law, far from being a goad to righteousness, was an *agent provocateur* of sin. For if Paul's encounter with Christ had been nothing more than an encounter of a pagan-born half-baked convert to Judaism, his spiritual crisis would have been rooted in paganism and not Judaism.

* *Paradosis* of the fathers is the technical term that Josephus (Antiquities 13:296-7, 408) and the Gospels (Mark 7:3,5,8; Matthew 15:2,3,6) use to refer to the oral law of the Pharisees in contradistinction to the written law.

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As such, it would stand outside the dynamics by which Judaism has been transfigured, time and again, from one form of Judaism into another. Henceforth, no believing Jew need any longer fear that there might come a day when, on the road to a synagogue, the figure of Christ might loom up, before him, unbidden and unwelcome, and shatter his faith in “the *paradosis* of the Fathers” as the figure of Christ had shattered Paul’s faith.

Were Macoby’s evidence persuasive, it would be reassuring. No believing Jew need any longer be affrighted that Paul’s fate might be his own. But Macoby’s evidence is hard to take seriously. It rests on an account of Paul by a fourth century chronicler, Parhianius, who drew his portrait of Paul from a hostile Ebionite source—a source which Macoby, himself, admits is wholly unreliable. To sweep away Paul’s own impassioned listing of his Pharisaic bona-fides in favor of a fourth century disfigurement is thus to fly in the face of sound critical scholarship and simple common sense.

So, too, Macoby’s claim that Paul could not have been an authentic Pharisee is ungrounded. Paul tenaciously believed in eternal life and resurrection as only a Pharisee could. It was a core doctrine of Pharisaism, a doctrine which Macoby makes no mention of in his chapter on the Pharisees. The Pharisees believed that the resurrection of the dead was not only possible but inevitable. Indeed, thrice daily, four times on festival days, and five times on Yom Kippur, the teachers of the twofold Law and their followers proclaimed that

God sustains life with his grace, and raises the dead in his great mercy, holds up the falling, heals the sick, liberates the captives, and keeps his faith with those who sleep in the dust. Who is like unto thee, O God, the master of all power, and who can be compared to thee, a king who causes death and endows life and causes salvation to flower and who can be relied upon to revive the dead. Blessed art Thou, O Lord, who enlivens the dead

even as they proclaimed that every Israelite has a share in the world to come and the assurance of a bodily resurrection.

A *believing* Jew reading of Paul’s outcry that as to the Law he was a Pharisee and as to righteousness under the Law blameless, can thus understand, as Macoby can not, that Paul’s overriding concern as a follower of the Pharisees must have focused on whether he had earned for himself the eternal life and resurrection that he was striving for.

A believing Jew can also understand Paul’s being in the vanguard of those who sought to root out the Christian claim that Jesus, an individual who, in his lifetime, had defied the authority of the Pharisees by claiming a special relationship with God, had risen from the dead. For if such a notion were to take root, the *halakhah* as the road to eternal life and salvation would be in danger of being superseded by the road opened up by the risen Christ. The Law might be seen as leading, not to eternal life and resurrection, but to a *cul de sac*.

It is not surprising, therefore, that Paul's fate would have been sealed once he encountered the Christ. Given his firm belief that a resurrection could occur, Paul was ripe for a resurrectional encounter when he experienced Jesus as risen from the dead.

Paul's crisis was, thus, a crisis which *only* a Jew with Paul's Pharisaic *bona-fides* could have undergone. Had Paul been either a Sadducee, unbelieving in the resurrection, or a pagan-born convert who had never been taught the *halakhah* as the road to *olam ha-ba* and *tehiat ha-metim*, he could never have had the spiritual crisis that he did.

Paul himself testifies to this in his Epistle to the Corinthians:

Now if Christ is preached as raised from the dead, how can some of you say that there is no resurrection of the dead?" *But if there is no resurrection of the dead, then Christ has not been raised. If Christ has not been raised, then our preaching is in vain and your faith is in vain.* We are even found to be misrepresenting God, because we testified of God that he raised Christ, whom he did not raise if it is true that the dead are not raised. For if the dead are not raised, then Christ has not been raised. If Christ has not been raised, our faith is futile and you are still in your sins, then those also who have died in Christ have perished . . . If for this life only we have hoped in Christ, we are of all men most to be pitied. . . .

If the dead are not raised at all, why are people baptized on their behalf? Why am I in peril every hour? I protest, brethren, by my pride in you which I have in Christ Jesus our Lord, I die everyday! What do I gain if, humanly speaking, I fought with beasts at Ephesus? If the dead are not raised, "Let us eat and drink, for tomorrow we die" (I Corinthians 15:3-22, 29-32, emphases added).

Paul's Pharisaic logic here is impeccable: "For if the dead are not raised, then Christ has not been raised." *If, in a word, the belief in tehiat ha-metim as taught by the Pharisees is a false belief, then Jesus Christ could not have risen from the dead however vivid Paul's encounter with him may have been.* And if the dead are not raised, Paul himself confesses that all of his preaching has been vain, and he has even misrepresented God. The truth of Paul's gospel thus clearly depends *not* on Paul's experience but on whether or not *the core faith* preached by the Pharisees, namely, that "God in the greatness of his mercy raises the dead," was *true or false*. It was only because Paul was absolutely certain that God raises the dead that he could believe that his encounter with Jesus was as true as true can be. It was a validation of Pharisaic faith and not a repudiation.

Having been vouchsafed what was, for him, a true revelation from God the Father through Jesus Christ his "Son," Paul thus had no choice but to see God, the Law, Israel, and the road to salvation in a new light. God was still the same God; the Law was still the revelation of this one and only God; Israel was still God's covenanted people; eternal life and resurrection were still awaiting the true believer at the end of life's road. What had changed was not God, but how He was to be perceived; not the divine Law, but the illusion that it could hold man's sinful impulses at bay; not God's covenant with Israel, but who was to be reckoned a

true Israelite; not that there was *a* road to eternal life, but *which* road.

God had to be seen in a new way. Whereas, in years gone by, God made known His will at critical moments in Israel's history through prophets, now He had made known His will in a shockingly new way so that sin might be dissolved at its source, and its power to make a mockery of human effort be shattered for all time. To deal sin a mortal blow, it was essential that God do what He had never done before.

As Paul explains to his co-believers in Rome:

For God has done what the Law, weakened by the flesh could not do. Sending his own Son in the *likeness* of sinful flesh for sin, he condemned sin in the flesh, in order that the just requirement of the Law might be fulfilled in us, who walk not according to the flesh but the Spirit (Romans 8:3-4).

God the Father who, as the Pharisees taught, is in heaven, had sent his son who was a soul, not a body, in the *likeness* of sinful flesh, so that, in this likeness, sin could once and for all be condemned. For Paul, Christ's sonship was no more blasphemous than God's Fatherhood. It was Paul's way of picturing a very special relationship between God the non-corporeal Father and a soul selected for a corporal task of awesome responsibility which, in principle, was no different from God's having selected the soul of Moses, or the soul of Amos, or the soul of Isaiah to make God's will known in this corporeal mode. For it must be remembered that the Pharisees believed that the soul was implanted within the body and, on death, was drawn out of the body to be with God until the day of the resurrection. "I am thankful to the living and existing King (non-corporeal) who has returned my soul with great mercy in your faithfulness," is still the first prayer that an Orthodox Jewish child is taught when first intimations of speech make themselves manifest. And, since some souls are continuously being selected by God for this or that purpose, such souls enjoy a very special relationship to God.

That Paul used sonship in this sense is made evident in his assurance to his co-believers in Rome that

all who are led by the spirit of God are sons of God. You did not receive the spirit of slavery to fall back into fear, but you have received the *spirit of sonship*. When we cry "Abba"! "Father!" it is the Spirit himself bearing witness *that we are the children of God*, and, if children, *heirs of God and fellow heirs with Christ*, provided we suffer with him in order that we may also be glorified with him, (Romans 8:14-17, emphasis added).

The Law had now also to be seen in a new way. If Jesus had, indeed, risen, then the meaning of his resurrection must be "the way" and not the Halakhah. Had the law been able to dissolve sinful impulses, there would have been no need for Jesus Christ. Christ, therefore, must have been sent by God to reveal to Israel the fact that the Law had failed to accomplish God's purposes. God would not abandon humankind to the power of sin. The Law, itself, however good, had

provoked, not dampened, sin. Man had proved to be helpless when he met sin face to face. The Law served sin; it did not vanquish it. Hence, God sought to accomplish, by love, what He had not been able to accomplish by Law:

What shall I say (Paul writes in his Letter to the Romans,) that the law is sin? By no means. Yet, *if it had not been for the law, I should not have known sin. I should not have known what it is to covet, if the law had not said, "You shall not covet."* But sin, finding the commandment, wrought in me all kinds of covetousness. *Apart from the law, sin lies dead.*

So I find it to be a law that, when I want to do right, evil lies at hand. *For I delight in the law of God in my inmost self, but I see in my members another law at war with the law of my mind and making me captive to the law of sin which dwells in my members.* Wretched man that I am! Who will deliver me from this body of death? Thanks be to God through Jesus Christ our Lord! So then, I of myself serve the law of God with my mind, but with my flesh I serve the law of sin. . .

Paul is not against the Law; he is against sin. Paul is not against the spirit; he is against the flesh. Paul is not against the God of Israel; he is against the returned Christ belief that the Law can dissolve man's sinful impulses.

Since the Law must be seen as the *agent provocateur* of sin, Paul had to explain how Christ could be seen as the fulfillment, not the negation, of the Law. It was, therefore, incumbent upon him to preach the meaning of the risen Christ, not only to the people of Israel, but, as his Pharisaic teachers were doing, to Gentiles as well. Paul, too, must traverse land and sea to woo proselytes. But what Paul did not reckon with was that his preachings would be listened to by Gentiles, not Jews. This unforeseen outcome distressed him deeply and compelled him to find refuge in the distinction that the Pharisees had themselves already made between an Israel of the flesh and an Israel of the spirit when they had condemned the souls of the Sadducees to eternal punishment and rewarded the souls of true believers in the twofold Law with eternal felicity, irrespective of whether those souls were Jewish or Gentile born.

Paul's anguish weaves through his Letters, as is most painfully evident in Romans 9–11. Here he struggles desperately to explain how the Gentiles could be transfigured by his gospel, and his own people not. On the one hand, Paul is driven to reaffirm Israel as God's chosen people for all eternity, while, on the other hand, he must insist that spiritual heirship is the prerogative of those who have faith in Christ:

I am speaking the truth in Christ, I am not lying (he writes in Romans 9:1–15), my conscience bears me witness in the Holy Spirit, that I have a great sorrow and unceasing anguish in my heart. *For I wish that I myself were accursed and cut off from Christ for the sake of my brethren, my kinsmen by race.* They are Israelites, and to them belong the sonship, the glory, the covenants, the giving of the Law, the worship and the promises; to them belong the patriarchs and, of their race, according to the flesh, is the

Christ. God who is over all be blessed forever. Amen (Romans 9:1–5, emphasis added).

Paul's love for his people thus knows no bounds. For the sake of his brethren, his kinsmen by race, he is ready to give up his own share in Christ and his own share in life eternal. What greater love can there be than to give up one's own salvation for that of one's beloved?

Under no circumstances, Paul proclaims, will God reject His people whom he foreknew.

I ask, then, has God rejected his people? By no means! I myself am an Israelite, a descendant of Abraham, a member of the tribe of Benjamin. God has not rejected his people whom he foreknew . . . Why then has Israel failed to obtain what it sought? The elect obtained it, but the rest were hardened, as it is written (Isaiah 29:10) "God gave them a spirit of stupor, eyes that should not see and ears that should not hear, down to this very day."

So I ask, have they stumbled so as to fall? By no means! But through this transgression, salvation has come to the Gentiles, so as to make Israel jealous. Now if this transgression [of the majority of Israel] means riches for the world, and if their failure means riches for the Gentiles, how much more will their full inclusion mean? (Romans 11:1–11 *passim*).

Israel's rejection of Christ did not, however, carry with it God's rejection of Israel, anymore than Israel's rejection of the prophecies of Amos, Isaiah and Jeremiah carried with it God's rejection of his people whom He foreknew. As in the days of old, Israel had to pay a price for stubbornness. For a time, Gentiles and not Jews would be the beneficiaries of God's grace through Jesus Christ. But a day would come when Israel would resume her rightful place and the Gentiles would have to acknowledge that Israel was the root and branch, and the Gentiles but the wild shoots grafted on. Paul leaves the Gentiles in no doubt that however equal they may be in Christ, they can never be equal to the seed of Abraham in the body of Christ-affirming Israel:

Now I am speaking to you Gentiles. Inasmuch then as I am an apostle to the Gentiles, *I magnify my ministry in order to make my fellow Jews jealous, and thus save some of them. For if their rejection means the reconciliation of the world, what will their acceptance mean but life from the dead? If the dough offered as first fruit is holy, so is the whole lump; and if the root is holy, so are the branches.*

But if some of the branches were broken off, and you, *a wild olive shoot, were grafted in their place to share the richness of the olive tree, do not boast over the branches. If you do boast, remember, it is not you that support the root, but the root that supports you.*

You will say, "Branches were broken off so that I might be grafted in." That is true; they were broken off because of their unbelief, but you stand fast only through faith. *So do not become proud, but stand in awe. For if God did not spare the natural branches he will not spare you . . .*

For if you have been cut off from what is by nature a wild olive tree [the gentiles], and grafted, contrary to nature onto a cultivated olive tree [Israel] *how much more will the natural branches be grafted back into their own olive tree.*

Lest you be wise in your own conceits, I want you to understand this mystery, brethren: a hardening has come upon part of Israel, until the full number of Gentiles come in and so all Israel will be saved; as it is written, [Isaiah 59:20–21; Jeremiah 31:33; Isaiah 27:9 are then cited as proof texts] (Romans 11:13–25).

Paul's solution to the problem of why the Gentiles were drawn to Christ while the Jews spurned him was to turn to the grand prophets and divinely inspired voices of yesteryear, voices which had castigated Israel out of love, not hate. These spokesmen of God had also spoken to deaf ears and had preached to closed hearts. They, too, had seen the people as enemies of God. Yet they had proclaimed that their election by God was irrevocable and God's love for them unquenchable. If Isaiah could say that God had given the people a spirit of stupor, and eyes that should not see and ears that should not hear; and if Isaiah could also say, "If the Lord of host had not left us children, we would have fared like Sodom and been made like them," then, it must be asked, on what grounds is Paul denied the right to castigate Israel for rejecting his gospel which, like the prophecies of Isaiah, Paul believed to have been revealed to him by the same God? On the grounds perhaps that Paul's revelation was a spurious revelation? Only if it could be shown that the people, as a whole, accepted the prophecies of Amos, Hosea, Isaiah and Jeremiah as prophecies coming from God.

If Isaiah could say, "I have been found by those who did not seek me; I have shown myself to those who did not ask for me" (Isaiah 65:1); and Hosea could say "Those who were not my people, I will call 'my people'. And he who was not beloved, I will call my beloved . . . and in the very place where it was said to them, 'You are not my people', they will be called 'sons of the living God'" (Hosea 2:1–2), then could not Paul say likewise that God was using the Gentiles to bring the Jews to their senses so as to account for the flocking of Gentiles to his gospel, out of Paul's love for his people, not his rejection of them?

So, too, if we turn from the prophets to the Pharisees, did not the Pharisees distinguish between Israel of the flesh (the Sadducees) and Israel of the spirit (the Pharisees)? Did they not condemn the souls of the former to eternal suffering and reward the souls of the latter with eternal felicity? Did not the Pharisees traverse sea and land to win over proselytes to the good news that God raises the dead and did they not give to gentiles a status in Israel more elevated than that enjoyed by a Sadducean High Priest who rejected the *paradosis* of the Pharisees and mocked the belief in resurrection?

If, then, Paul is to be condemned as an apostate, it is the Pharisees who must bear this cross with him. It was they who built the bedrock of resurrection on which Paul's gospel is sustained. It was they who taught Paul to turn Scriptures over and over, for all was to be found therein. It was they who set Paul the example of "deriving," "eliciting," "eking

out" of context-free verses the proof that God had given Moses two laws on Sinai and not one; that *halakhoth* that are nowhere mentioned in Scripture are to be found there, nonetheless, and that God raises the dead in His great mercy.

Is Paul, then, to be cast out because he had accepted the Pharisaic faith in resurrection *on faith*, and had accepted their mode of non-contextual manipulation of Scripture as the keys to the treasure troves of God's immutable revelation also on faith? Is there, in Paul's Epistles, any concept of God, or of God's law, or of the chosenness of Israel, or of salvation in the world to come that is not justified by proof-texts from Scripture; proof-texts which are neither more nor less persuasive than the verses of the Pharisees that they drew upon to justify their mutational notions of God, of Revelation, of Israel and of salvation? Those Jews who believed in the Pharisees were persuaded; those who believed in the Sadducees were not. So, too, it is with Paul. Those who took Paul's gospel on faith were persuaded, those who did not were not. Whether a prophet is true or false depends on who is listening. Whether God gave one Law, as the Sadducees claimed, or two laws, as the Pharisees claimed, was likewise in the eyes of the believer. So, too, whether Jesus Christ was raised from the dead is in the eyes of the believer, as Christians in the millions confirm to this very day.

Paul's Pharisaic teachers had taught him only too well. Realizing that his eternal life was at stake, Paul, in good Pharisaic fashion, kept turning Scriptures over and over, knowing for certain that everything could be found therein. Proof-text after proof-text underscored his claim that faith and not law justifies; that there is a distinction between Israel of the Spirit and Israel of the flesh; that God sent His son in the semblance of flesh to kill sin in the flesh and strip it of its power. If, in the face of the Scriptural evidence, the Jews did not listen, the explanation for Paul lay in their blindness and not in his misperception. After all, the Sadducees had never been persuaded by Pharisaic proof-texting either. For so long as Paul believed that God raises the dead, the risen Christ was, for him, as certain as the belief in *olam ha-ba* and *tehiat ha-metim* was for the Pharisees. What he had seen so vividly was a fact for him as certain as any fact could be.

Paul's crisis was, thus, the outcome of a collision between his Pharisaic precociousness and a *tremendum* so overpowering that he succumbed to it. Yet he did not give up God; he did not give up Scriptures; he did not give up the chosenness of Israel; and he did not give up Pharisaic proof-texting as the key to the kingdom of God. One can mock Paul for mistaking a mirage for a *tremendum*; hold up to ridicule his belief in the incarnation; brush aside his proof-texting as unconvincing; score him for abandoning the Rock for quicksand. But one cannot strip away from Paul his Jewishness without at the same time stripping it away from an Amos, an Jose ben Yoezer, a Maimonides, a Moses de

Leon, a Baal Shem Tov, an Abraham Geiger, or a Theodore Herzl. Each of these Jews had been nurtured as Paul had been nurtured, on a concept of Judaism, on a concept of a Jewish identity and on a concept of Jewish peoplehood which no longer was sustainable for him in the light of his experience. Each adopted a radically different Jewish identity; each preached to Jewish ears that heard him not; each refused to give ground to those who cast aspersions, claiming that the emergent Jewish identity was not Jewish at all.

But Jewish history gives the lie to all of those who delude themselves into believing that there is some primordial Jewish identity by which the authenticity or the non-authenticity of a Jewish identity can be measured. There was a time when a Jewish people without living prophets would have been inconceivable; there was a time when a Jewish people without expiatory sacrifices would have been unimaginable; and there was a time when a Jewish people as other than the people of God would have been beyond belief. Yet the inconceivable, the unimaginable, the beyond-belief did eventuate and the Jewish people did not give up the ghost.

Jewish history is not merely a history or replication, or even variation and adaptation, but a history which was punctuated, now and again, by quantum leaps into novel and unanticipated forms and mutational modes, and into identifications which assured the people not only of survival but of creative survival. The essence of Jewish history is to be found not in form, or content, or substance, but in process. In the course of history, it has created and shaped whatever identities were required to sustain their continuity as a creative people even when these identities were so radically different from those that had preceded that they can only be described as mutational. A Jewish identity can be ruled out only when a Jew openly rejects a Jewish identity for himself, as did Benedict Spinoza and Leon Trotsky. If, however, a Jew seeks to solve a Jewish identity crisis by a solution which is believed by him or her to be Jewish, that solution must be regarded as a Jewish resolution of the identity crisis even if the individual be the only Jew who had this crisis and resolved it in this way.

Paul, by these criteria, forged a mutational Jewish identity, but a Jewish identity nonetheless. He did not invent a new religion. Every novel idea and every radical notion preached by Paul was grounded in the Pharisaic belief in the resurrection of the dead and was justified by non-contextual proof-texting in the Pharisaic mode.

Why, then, has Paul's Jewishness been such a stumbling block, for the Jews first, and then for the Christians, even in our day? The answer would seem to lie in the fact that few Jews, if any, have had Paul's experience with the risen Christ or relived Paul's experience so as to have to cope with an inner self being torn apart by an unresolved conflict between a precocious superego, the Law, and a precocious id, the

primordial impulses straining to break out. Paul's solution for himself may have been a Jewish solution, but it was one that was not needed for those Jews who did not have his problem. Most Pharisees were confident that, even if they were not "as to righteousness under the Law blameless," they were righteous enough to hope that they would not lose their share in the world to come. Hence, the Pauline Jews who might have understood what Paul was talking about when he said that "behind the Law sin lurks," did not understand what Paul was talking about because it was preposterous, in the light of their experience.

Contrariwise, Gentiles who could not have known what Paul was talking about, since they had not been as to the Law a Pharisee, eagerly embraced Paul's Christ because it allowed them to identify themselves with a real person who had suffered the cruelest pain that Rome could inflict, who had undergone such suffering out of love for each and every individual, and out of an awareness of how helpless and doomed human beings were in a twisted and tormented world. The upshot was that a Jewish solution to an identity crisis, triggered by precocious Pharisaism, turned out to be a solution for a Gentile problem which Paul himself had never faced.

It is sad, therefore, that Macoby was not ready or willing to open himself to the pain, anguish and suffering of Paul's odyssey from the God of the *paradosis*, whom Paul had so impeccably worshipped, to the God of Jesus Christ whom he had so arrogantly sought to dismiss. Had Macoby dared to put himself in Paul's place, he might have come to realize how quickly even our most artfully built inner defenses can collapse in the face of a totally unanticipated encounter with a divine presence. Instead, by stripping Paul of his Jewish birth and of his Pharisaic precociousness, Macoby spared himself from having to confront the possibility that what happened to Paul can happen to anyone of us who, like Paul, is so blind to his divided self that he preens himself on being invulnerable to the breakout of dammed-up forces from within. Behind every "thou shalt," an "I shall" does, indeed, lurk. Before every haughty boast, a deep chasm opens up to await its plunge. Our inner house is a house divided, doomed to collapse so long as we delude ourselves into believing that that inner house can ever be secure and invulnerable. Indeed, the more certain we are that we are "as to the law blameless," the more ripe we become for a transfiguration beyond our control.

By running away from Paul, rather than meeting him head on, Macoby spared himself the pain, agony and suffering that Jews have felt when revelations unsought have burst forth upon them, as they did upon an Amos and a Jeremiah, and compelled them to pit God against God. For when "The lion has roared, who will not fear?" [When] the Lord God has spoken, who can but prophesy?" (Amos 3:8).

A Double Exile

Review-Essay by STEVEN M. LOEWENSTEIN

Brothers and Strangers. The East European Jew in German and German Jewish Consciousness, 1800–1923. By STEVEN E. ASCHHEIM. Madison. University of Wisconsin Press, 1982.

Ostjuden in Deutschland 1918–1933. By TRUDE MAURER. Hamburg. Hans Christians Verlag, 1986.

Unwelcome Strangers. East European Jews in Imperial Germany. By JACK WERTHEIMER. New York-Oxford. Oxford University Press, 1987.

AT FIRST GLANCE, THE TOPIC OF THESE THREE books—East European Jews in Germany—seems to be of limited and purely historical interest. Yet, these studies have implications which go far beyond the specific group being studied. The ambivalent relationships between the established Jewish community in Germany and its newly-immigrated East European co-religionists find parallels in the relationships between Jewish subgroups in other lands and periods as well.

The peculiar position of the Eastern European Jews in Germany sheds a revealing light on many aspects of intergroup relations—particularly the position of a minority within a minority. This, in turn, has been studied mainly in terms of conflict between the native Jews and the Eastern European newcomers, generally in a way not complimentary to the natives. Wertheimer summarizes the stereotype:

Confronted by their eastern brethren, German Jews, it is alleged, responded with arrogance and condescension. At best they patronized the Ostjuden, regarding the latter as backward, superstitious, dirty. . . . At worst, German Jews harbored a profound antipathy towards their coreligionists which smacked of Jewish self-hatred, if not anti-Semitism.

But the relationships between sub-minorities within a minority are more than mere conflict and condescension. First, there were real cultural differences between the two subgroups, the result of different historical experiences. Each had its own spectrum of views on Jewishness and regarded the other with a mixture of solidarity, criticism and dis-

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comfort. Second, neither the "*Ostjuden*" nor the natives were uniform groups. Within each there were wide divergences.

The discussion of Jewish subgroups, therefore, requires an understanding of the factors that made them similar and different, the complexity of their interrelationship, and the effect of the shared minority status of both on their interrelationship. This entails a discussion of differences in the popular mentalities and culture of varying Jewish groups, as well as an analysis of different approaches to Jewish self-definition, attitudes towards acculturation and Jewish nationalism, and differing social and economic profiles.

Finally, according to Wertheimer (and probably Maurer as well) most importantly, the relationships between the two groups did not take place in a vacuum. Rather, they must be understood in terms of the legal position of immigrants in Germany and of the attitudes of the majority towards Jews in general.

As both Maurer and Wertheimer stress, it is the view of the majority German society and of its government which had more influence on the life of the Eastern European subminority than did the attitudes of native Jews. A study of the policies and attitudes of German administrations and opinion makers is most revealing, not only of their attitudes towards the Eastern European immigrants but towards Jews as a group. The attitude towards the *Ostjuden* can be seen as a kind of litmus test of their attitudes towards Jews as a whole. As Franz Rosenzweig stated, "There is no *Ostjudenfrage* [Eastern Jewish question], only a *Judenfrage* [Jewish question]."

The study of government policy and public opinion towards the Jewish immigrants is complex, but the general impression is a depressing one. Even relatively liberal-minded persons showed an overwhelmingly negative attitude towards *Ostjuden*, and often these feelings were influenced by a lack of respect for the peculiarities of Judaism. The studies point out important differences between attitudes towards, and treatment of, Jewish and non-Jewish immigrants. In Maurer's study of the especially embittered relations in the Weimar period, the main difference between middle-of-the-road observers and anti-Semites seems to be that the anti-Semites saw the negative characteristics of *Ostjuden* as applying to all Jews, while the moderates differentiated between the "acceptable" natives and the "unacceptable" immigrants. Positive statements about the newcomers were relatively rare (although sympathetic treatment, at least by Social Democrats and Democrats, was somewhat more common).

The negative attitude of the majority towards the Eastern Europeans cannot be separated from the ways in which native Jews and *Ostjuden* interrelated. The clear difference in cultural style, attitudes, and, sometimes, in appearance, between natives and newcomers, led many outsiders to distinguish between the two groups. On occasion, internal

Jewish discussion of the relationships affected government attitudes. But, generally, the influence was in the reverse direction—the external conditions affected the relationships within the Jewish community.

The growing pressure of anti-Semitism caused the German Jewish natives to react in two contradictory, but understandable, ways. Most mainstream Jewish organizations opposed all official discrimination against *Ostjuden*, seeing it as a threat to the equality and political status of all Jews. On the popular level, however, many German Jews took pains to differentiate themselves from the disdained immigrants. Many felt either that the *Ostjuden* “caused” anti-Semitism or that they were its real target. One unrepresentative but noisy German Jewish organization, the *Verband Nationaldeutscher Juden*, even attacked the immigrants in the media. The internal bitterness between *Ostjuden* and natives was, thus, not only the result of cultural and social differences, but, also, of the generally embattled position of Jews in Germany.

The relationship of *Ostjuden* and native Jews must be seen in context—not only the context of the Jewish position in Germany, but, also, the parallel of other subminority groups. These are of two types. First, there are native Jewish groups and Eastern Jewish immigrants in France, England and the United States. Second, there are subethnic groups outside of the Eastern European context. Among these one can think of relationships among the various Jewish groups in Israel, or that between Northern and Southern Italians, or between Cubans and Puerto Ricans in the United States.

The relationships between these subethnic groups is more complex than the common stereotype of mistreatment of the “poor cousins” by their established brethren. Wertheimer argues persuasively that ambivalence, rather than hatred, was the common feeling of German Jews about Eastern European newcomers. He gives evidence both for a lack of mixing on the social scene and a good deal of solidarity in the fields of philanthropy, Jewish organizational life and legal defense. Moreover, quite a bit of evidence shows that the newcomers had at least as low an opinion of the Jewishness, manners and life style of the established Jews as the natives had of theirs.

The difficulties encountered by Eastern European Jews in Germany were not primarily the result of some peculiarly German Jewish snobbishness. In fact, conflict and bickering among various minority groups and even within minority groups seems quite common in many societies. The problems that German Jewish refugees of the 1930s had in adjusting to an American Jewish community in which the “natives” were Eastern European Jews show that often it is merely “who arrives first” (rather than the content of a specific subculture) that causes the old-timer to look down on the greenhorn. When members of a society feel under pressure, they frequently take out their frustrations on others. Writers usually study the way majority groups persecute minorities

when times are bad, but within a minority group itself, outside pressure can exacerbate the tensions and differences which already exist.

Although the position of *Ostjuden* in Germany has a considerable literature dating back for decades, the three works under review (all of which are reworked doctoral theses) represent serious new attempts at synthesis. The three volumes overlap only slightly in their coverage. Aschheim's study, aptly subtitled, "The East European Jew in German and German Jewish Consciousness," is a lively exercise in intellectual history written with a bold style in broad strokes. Wertheimer and Maurer opt for studies more on the concrete situation of the Eastern European community and its legal status, with less analysis of "image." Wertheimer is quite explicit in his rejection of mainly focusing on image. He wishes to stress actual overt behavior rather than what he calls a "clash of abstractions." Wertheimer and Maurer, in turn, differ in style and in the period that is covered. Wertheimer deals with the little-studied years from 1868 to 1914, while Maurer's book deals with the Weimar Republic (and, especially, the turbulent years from 1918 to 1923).

Stylistically, the three works are very different. Aschheim writes with flair and excitement. Wertheimer's prose is reasonably interesting and well-written but has a more academic flavor. Maurer's German language work seems to have the peculiarities endemic to German doctoral theses. Its 768 pages of text, plus 165 pages of footnotes, are crammed with analyses of specific articles, administrative cases and legal decisions. While loaded with interesting detail, it stays too specific to sustain a clear thesis or line of argumentation. Wertheimer has done equally extensive archival study, but sticks, in his text, to the broad outlines of issues and (if anything) errs on the side of brevity. Aschheim's intellectual study is based mainly on the novels, journal articles and public statements of the time, rather than on archival governmental documents.

Although Aschheim tends to emphasize that part of his evidence which points to a deep gap between German Jews and *Ostjuden* (and, at times, gives considerable space to interesting but eccentric and unrepresentative views), his analysis is by no means without its subtleties. He argues that, in many ways, the German Jews were reacting against their own "ghetto" past in their anti-East European feelings. The psychological aspects of the ambivalent relationship are often brought to the fore. Views of the Eastern Jewish immigrants often seem to be attempts to come to grips with unresolved issues of German Jewish self-definition. Those forces in German Jewry which most opposed assimilation (the Orthodox and, especially, the Zionists) had the most positive view of the *Ostjuden*. Some (rather atypical) German Jewish intellectuals even idolized the East European Jews and compared their own native group to them unfavorably. Aschheim devotes a great amount of space

to the debate between Zionists and anti-Zionists as well as to the internal Zionist debate on the East European Jews.

Wertheimer's approach begins not with German-Jewry's self-image, but with the attitude of German governments toward Eastern European Jews. The first 74 of his 181 pages are devoted to an analysis of government policy towards the newcomers. Although the Jews were equal to others in law, the texts of the laws often meant little, since provincial administrative procedure was allowed to discriminate against Jewish immigrants and to make them subject to the whims of petty officials. The ability of local officials to expel foreigners who were "undesirable" (*laestig*) made legal protections a mockery. Similar situations are described in Maurer's book. Both show clearly the extent to which anti-Jewish attitudes pervaded government practice even when the laws spoke of equality.

In his analysis of the internal life of the Eastern European Jews, Wertheimer stresses their internal differentiation, distinguishing such diverse groups as Jewish transmigrants to America, Galician small businessmen and Russian Jewish students. Unlike most other countries of immigration, Germany was not the site of a lively Yiddish-speaking immigrant culture. In fact, Eastern European immigrants in Germany (especially before World War I) were remarkable for their acculturation and for keeping a low profile. Wertheimer attributes the absence of a lively immigrant culture, the relatively small number of immigrants (despite the huge transmigration through Germany to points further west) and the fact that Austrian (Galician) Jews outnumbered Russians in Germany, to the inhospitable German governmental and societal attitude toward the immigrants.

When it comes to German Jewish attitudes toward the *Ostjuden* (a term he studiously avoids as an anachronism), Wertheimer tries to minimize the extent of hostility without denying it altogether. He sees anti-*Ostjude* campaigns in German Jewry (notably the attempt to deny to foreign Jews the vote in Jewish communal elections) mainly as electioneering tactics of the anti-Zionists rather than as signs of deep antipathy. Instead, he sees co-operation, at least in the public sphere, if not in the private one. In his defense of the German Jews, Wertheimer strikes an almost apologetic tone, though he never denies the fact of at least some private hostility.

Wertheimer deals very briefly with the plight of East European immigrants outside of Germany in his concluding chapter, "A Comparative Perspective." His overall conclusion is that Jewish immigrants fared worse in Germany than in almost any other Western country. The question of the relative situation in different countries is an important one. Historians have naturally concentrated on one country or another. The time has come now to do a serious comparison of Eastern European

Jewish immigration in all of the major areas of settlement. Such comparative treatment will shed much light on the question of the relationship between internal Jewish relations and external attitudes and conditions. Was the story of the German *Ostjuden* primarily one of internal Jewish conflict and misunderstanding (repeated in all other countries of immigration) or was its particular form the result of specifically German conditions (especially the attitude of the German government and population)?

There is an old Yiddish expression, "*in golus bay yidn*," (in exile among Jews). The position of the Eastern European Jews in Germany often suggests that they felt themselves to be in this kind of double exile. Although neither Wertheimer nor Maurer can disprove the existence of widespread German-Jewish disdain for their brethren, they do succeed in showing that much of the trouble that the newcomers had in Germany came, not from fellow Jews, but from the general hostile attitude of the majority society and its governments.

Study of Jewish Law

A Living Tree: The Roots and Growth of Jewish Law. By ELLIOT N. DORFF and ARTHUR ROSETT. Albany. State University of New York Press, 1988. 602 pp., \$49.50.

Reviewed by MILTON R. KONVITZ

IN RECENT years there has been a remarkable development of interest in *halakhah*, Jewish law. Illustrative of this interesting phenomenon one can cite the establishment of the Jewish Law Association as a learned society; the establishment of the Institute of Jewish Law at Boston University School of law; the endowment of a Chair in Jewish Law at New York University School of Law; the publication of quite a number of scholarly treatises, among them *Jewish Law and Decision-Making*, by Aaron M. Schreiber; *Jewish Law and Jewish Life*, by Y. Bazak and S. M. Passamaneck; *Jewish Law in Ancient and Modern Israel*, by Haim H. Cohn; the articles on the subject by Menahem Elon in the *Encyclopedia Judaica*; *Jewish Law and Current Legal Problems*, edited by Nahum Rakover; publications of the Association of Orthodox Jewish Scientists. One should also cite the establishment of projects at the Hebrew University and Bar-Ilan University to computerize and classify the vast number—some 300,000—of rabbinic legal responsa. Especially important is the enactment, in 1980, by the Israeli Knesset, of the Foundations of Law Act, which provides that, in the absence of any specific law or precedent, Jewish law is to serve as a guide for the

Israeli courts. In addition, note may be taken of the new translations of the Babylonian Talmud by Adin Steinsaltz, and of the Jerusalem (or Palestine) Talmud and of the Mishnah by Jacob Neusner; the translation of *Sifre* by Reuven Hammer; and the publication of the first three volumes of the *Encyclopedia Talmudica*. Taken together, these translations, treatises, and organizational developments add up to a remarkable renewal of an interest in Jewish law.

A Living Tree, by Elliot N. Dorff, Provost and professor of philosophy at the University of Judaism, and Arthur Rosett, professor of law at the University of California at Los Angeles, is an important contribution to the halakhic resurgence. Quite appropriately, the book is a Centennial publication of the Jewish Theological Seminary. It is unique in at least one way, namely, that, at various points in the presentation, comparisons are drawn between Jewish law and the common law tradition. The book is, thus, a study in comparative law. However, as the title and sub-title clearly indicate, the work is primarily and substantially a study of "the roots and growth of Jewish law." It is structured in a way that would make it useful as a textbook in a college or law school course in Jewish law, but it can also be recommended for reading at home by any adult, with whatever background of knowledge he or she may have. Even the person who has some knowledge of the vast "sea of Talmud" can benefit from the way in which the book organizes a variety of legal dicta and decisions that throw light on a question or problem. In many instances, the authors set out substantial passages from relevant texts, so that the book may be self-contained. It

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also resorts to historical events as well as philosophical and theological considerations when they can help in elucidating or understanding a legal principle or decision. Although the volume originated out of a course in Jewish law given at the UCLA School of Law and is, ostensibly, constructed on a comparative law model, by far the larger part deals with Jewish, rather than American, law. If a person is looking for an introduction to the American legal system, *A Living Tree* is not what I would recommend, but if what is wanted is an introduction to Jewish law, then this is the book to read or study.

Part I, comprising about 450 pages, provides a historical perspective, beginning with the biblical period and concluding with the period of the *Aḥaronim* (1550–to the present). But this is not a social or political history of the Jewish people; it is a history of the development of *halakhah*. Following the discussion of biblical law, the book discusses the Oral Torah, tradition and law, and morality and law. About 150 pages are devoted to a discussion of the literature, notably the responsa literature, the codes, legislation (*takkanot*) and custom (*minhag*). About forty pages are devoted to a presentation of tort law, or the law of personal injury, as an example illustrative of the breadth and spirit of Jewish law.

Part II, comprising about 120 pages, is devoted to a presentation of the Jewish law relating to marriage and divorce, with a comparison to American law. The book concludes with an Epilogue, a brief essay on the future of Jewish law.

From this brief sketch of the contents, it can be seen that *A Living Tree* is not offered as a textbook that purports to give a digest of Jewish law on a variety of topics, including criminal law, torts,

domestic law, wills and estates, constitutional law, procedure, contracts, and many other subjects. The only topics dealt with in some depth are torts or negligence, and marriage and divorce. Primarily, it offers a view of the vast body of literature that the rabbis, over the ages (well over two millenia), have created that can be designated as *halakhah*. The book brings to mind *Back to the Sources: Reading the Classic Jewish Texts*, edited by Barry W. Holtz, except that this book by Dorff and Rosett concentrates exclusively on the *halakhic* texts, and this is accomplished with much competence and with many critical insights.

It is not clear how helpful to the average reader are the occasional comparisons with American law, except when the book is used as a text in a law school course, for in that setting the students cannot help making these comparisons. But, then, the students would expect a more refined, a more critical discussion of the relevant American law.

For example, the authors distill from the basic *halakhic* texts that deal with torts or negligence which, in a case of bodily injury, the plaintiff could seek to recover for the following five injuries: damage to the person (e.g., loss of an arm), pain, healing (hospital and doctors' bills), maintenance (loss of earnings), and insult (the nature of the injury that may cause the plaintiff humiliation). This rabbinic tort law is compared with the law in California, where the judge, in a negligence personal injury case, charges the jury that they may bring in a verdict that the plaintiff is entitled to recover for the following elements (if the jury decides against the tortfeasor): expenses for hospital and doctors' bills, loss of earnings, loss of earning capacity in the future, and for

pain, suffering, discomfort, anxiety, and other mental and emotional distress. As can be readily seen, there is hardly any difference here between the two legal systems.

But a law student taking a course in torts in an American law school would know that tort law currently has gone far beyond this rather elementary approach which is directed at simple corrective justice, so that the tortfeasor may restore the plaintiff to his *status quo ante*, to his or her condition before the injury. As Professor Peter H. Schuck has recently summarized the current development:

Today, in contrast, the law books abound with tort cases that affect not a few individuals but great aggregations of people and vast economic and social interests. The decisions in these cases are preoccupied not with meting out corrective justice between individuals based on their past interactions, but with advancing public control of large-scale activities and altering both the distribution of power and the nature of social values. In such cases, the parties are often little more than quaint anachronisms, mere placeholders for these larger social interests. Even in conventional tort cases, judges and juries increasingly act (and view themselves) as risk regulators, cost-benefit analysts, and social-problem solvers, rather than as adjudicators of isolated morally self-contained disputes.

As an example of this approach, one may cite the *Agent Orange* case, that was a class-action suit on behalf of 2.2 million veterans who had been exposed to dioxin in Vietnam.

Tort law is abandoning its individualistic grounding and groping toward a more collective one. In-

creasingly, it treats the parties less as idiosyncratic actors than as relatively interchangeable units within large, impersonal aggregations, and their actions or injuries less as discrete occurrences than as statistical events within broadly defined classes and populations.

One of the elements of this new approach in tort law is "a preoccupation with achieving broad social goals instead of the narrower, more traditional purpose of corrective justice between the litigants."¹ There are innovative developments in other branches of law, too, for which the courts, rather than the legislatures, are responsible. Unfortunately, there is no ground for believing or expecting that rabbinic law will manifest a similar dynamic creativity.

And, yet, one lesson that can be learned from a study of the classic Jewish texts is that often the rabbis hit upon solutions that were, in their time, breathtaking in their newness. This was possible because, despite the rabbinic devotion to law, the great scholars seldom lost sight of the fact that the prime end of law is justice. They often recalled that what the Lord required of them was to do justice and love mercy. The commandment was: "You shall not add to the word which I command you, nor take from it" (Deut. 4:2). But there was no prohibition on exegesis, interpretation. Only the Sadducees and the Karaites thought that the words of the written Torah could be understood and observed without the need of interpretation, but the mainstream of Jewish life and thought spewed out these narrow-minded sectarians. That is why many of the great rabbis believed

1. *Public Interest*, (Summer 1988): 96, 100-101, 104.

that the Oral Law preceded the written Torah, for, without the former, one would not know what the written words meant. When does the Sabbath begin, when does it end? What does "work" or "servile work" mean? And, so, when it came to the text, "it shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot" (Deut. 19:21), the rabbis had no hesitation in interpreting the words to mean monetary compensation. They did not think that by interpreting the words of the written Torah they were adding or subtracting. The end of the law was justice, righteousness; therefore, the written words had to be read in such a way that the law would serve the interests of justice and loving kindness. (One can read the rabbinic discussion of what has been misnamed the *lex talionis* in the *Mekhilta of Rabbi Ishmael* in an extensive quotation in *A Living Tree*.) The commandment is: "Justice, justice shall you pursue!" *zedek zedek tirdof* (Deut. 16:20). The judges are commanded to judge the people with "righteous judgment," *mishpat zedek*. (Deut. 16:18). Had these principles been always used as a guide, there would not be the shocking and tragic problem of the *agunah* (the abandoned wife).

As we have noted, in 1980, the Knesset passed the Foundations of Law Act, which provides that, in the absence of any specific law or precedent, Jewish law is to serve as a guide for the Israeli courts. Since marriage and divorce are in the exclusive jurisdiction of the rabbinate, the courts will not be able to cope with the problem of the *agunah*, but there are other

vexing questions, and it remains to be seen if the Israeli Supreme Court will act creatively in their interpretation and application of *halakhah*. They have the opportunity to engage in the freedom of *halakhic* decision by going back to the Scriptural text and interpreting it in the light of today's needs, values and aspirations. There is sufficient warrant for this approach in the classic rabbinic texts; e.g., Maimonides states:

If the Sanhedrin (Supreme Court) used one of the hermeneutic principles to deduce a ruling which, in its judgment, expressed the law, and it rendered a decision to that effect, but a later court found a reason to set aside the ruling, then the later court may indeed set it aside and rule according to its own judgment, as the Torah says: "[If any case arises requiring decision . . . and coming] . . . to the judge who is in office in those days, [you shall consult them, and they shall declare to you the decision. Then you shall do according to what they declare to you, . . . and according to the decision which they pronounce to you.]" (Deut. 17: 8–12.) That is, you are bound to obey *the court in your generation* (*Mishneh Torah*, Law of Rebels).

The current interest in Jewish law is fully justified. While it contains some elements that are difficult to defend in the light of today's social values, the legal system stands as a grand monument to the scholarship, piety, acumen, idealism, and humanity of many generations of rabbis. One can only hope and pray that Jewish law will, indeed, continue to be an *ez hayyim*, a living tree.

Editor's Note

In the Summer 1988 issue of JUDAISM, we published a paper by Rabbi Steven L. Jacobs entitled, "(If) There is No 'Commander'? . . . There Are No 'Commandments'!" Upon its appearance, it elicited a strong reaction from many readers, some of whose replies (occasionally abbreviated) are printed in this issue. They are followed by a final statement by Rabbi Jacobs. (R. G.).

There Is A "Commander!"

TO THE EDITOR OF JUDAISM:

Rabbi Steven L. Jacobs has written a very ingenious, personal essay which describes the development of his spiritual beliefs and practices shaped by his experiences and background as the son of a Holocaust survivor, as a student of Judaism and as a Rabbi devoted to the survival of the Jewish people. His conclusions are based also on the proposition that "If there is no *Commander* then there are no *Commandments*."

I am not a Rabbi, and my family did not personally experience the inhumanity, torture and carnage of the Holocaust. Nevertheless, I should like to respond (as a lay person) to [the] article. (I am a retired college mathematics teacher who is interested in Jewish philosophy and history, and who believes that no thinking Jew can escape from the horror and enormity of the Holocaust.)

A basic concept of logic is that the proposition, "If A then B," and its contrapositive, "If not B then not A," are equivalent. Thus, if we agree to accept the proposition, "If there is no *Commander* then there are no *Commandments*," then we must also accept the validity of its contrapositive: If there exists at least one *Commandment* then there exists a *Commander* (and, from the most fundamental tenets of Judaism, exactly one *Commander*).

Some of us may infer the existence

of a universally valid *Commandment* (and, therefore, a *Commander*) from the precisely formulated, interrelated theories and "laws" of modern science and mathematics . . . Others may "feel" the existence of a *Commander* in the foliage of spring or in the cry of a new born baby. In the presence of a young Israeli soldier wrapped in *tallit* and *tefillin*, praying at the Western Wall in Jerusalem, even Jews who have lost all remnants of kinship and loyalty to Judaism may wonder if they were wrong to have discarded, so easily and so casually, the ideas and traditions for which so many ordinary Jewish men, women and children were willing (and/or forced) to die .

For many of us, the moral imperative to live justly and righteously and to have compassion for other human beings, implies the existence of *Commandments* that are absolutely essential if we wish to live together as a civilized society. Our traditional *Ten Commandments* marked a great leap forward for humanity, not only for Judaism . . .

Emil L. Fackenheim helps us to deal with the paradox of "a God who is omnibenevolent and omnipotent" and a world where "evil and human freedom" are permitted.¹ He notes that, at least up to the Holocaust, "some Jews . . . acted as though all depended on man," and that they prayed "as though all depended on God." He enunciates what he calls the "614th Commandment" which implies, among other things, that we must survive as Jews, that we must remember the Holocaust, and that "we are forbidden to deny or despair of God."

The unprecedented criminality and incomprehensible evil of the Holocaust makes it difficult (and, perhaps, presumptuous) for anyone who was relatively unscathed by it to argue that God himself should not be considered as another victim of those death camps.

1. Emil L. Fackenheim, *The Jewish Return into History* (New York: Schocken Books, 1978), Chapters 2 and 16.

I think of the Orthodox Jewish child, Elie Wiesel, crying that the smoke and flames have "consumed my faith forever."² But I am reassured and awed by the fact that this man, this survivor, who saw his father persecuted and humiliated and beaten to death, will not (or cannot) break the chain of his family's deep commitment and devotion to Judaism.

I think also of Golda Meir's grandfather.³ In her autobiography she describes how he was kidnapped at the age of thirteen to serve in the Russian army. He kept his religious faith and even the Dietary Laws, and he managed to survive through the long, terrible ordeal. Then, after returning home, for years he slept on a hard bench in his cold, unheated Synagogue to atone for any sins against God that he might have unwittingly committed while in the army.

Each Jew must find his own way personally to resolve and cope with the paradox described by Professor Fackenheim. I respect Rabbi Jacobs' right (and each person's right) to select those *Commandments* which satisfy his personal and spiritual needs. However, considering the world's highly advanced state of technology and the low level of its ethical standards, I am not sure that I agree with his conclusion that "the only required *Commandment* is that of study." In *Ethics of the Fathers* (1:17), we are cautioned that study is not as important as how we live and what we do. On the other hand, our obligation to study as well as to pray is reflected in the saying (which presupposes the existence of God), "When we pray, we are talking to God; when we study, God is talking to us."

Rabbi Jacobs should, indeed, be proud of his commitment to work for the physical and spiritual survival of the Jewish people. One can ar-

gue, I believe, that if there is such a *Commitment* then there must be a *Commander* . . .

For all of these reasons, and others more personal, I must conclude that all of the declarations concerning "the death of God" are, to paraphrase Mark Twain, "greatly exaggerated." At the very least, deep within my heart, I hope—and pray—that they are . . .

Through all of the bloody, traumatic, tragic events in our history, Jewish hearts steadfastly refused to allow Judaism to perish. Some battered, brutalized Jews may rage against the *Commander* and believe, for a time, that they have philosophically destroyed Him. But their philosophical arguments often lead them to struggle ever more strenuously for the survival of the *Commander's* Chosen People.

Perhaps our *Commander* shares our rage and frustration and tears. Perhaps He mercifully forgives our need to challenge Him with questions that are unanswerable and with contradictions and paradoxes that are unresolvable in human terms. Perhaps, in His own way and in His own time, He will answer us. But our answer to Him (which may simply be a manifestation of His answer to us) must be for each Jew to contribute his own unique strengths and talents, however great or modest they may be, to help keep alive that which Rabbi Steinberg calls "the Jewish will to live. If this exists, and with sufficient vigor, almost no obstacles are insurmountable; if it fails, every problem becomes insoluble."⁴

HYMAN GABAI

Lake Worth, Fla.

I Believe in a Personal God

TO THE EDITOR OF JUDAISM:

If I criticize Rabbi Jacobs I do so with a measure of empathy . . . (for) his criticism of Judaism strikes at the very foundation of the Jewish enterprise,

2. Elie Wiesel, *Night* (New York: Avon, 1981), p. 44.

3. Golda Meir, *My Life* (New York: G. P. Putnam's Sons, 1975), p. 17.

4. Milton Steinberg, *The Making of the Modern Jew* (New York: Behrman House, 1967), pp. 314–315.

and after Auschwitz it deserves a response on the part of those who do affirm a belief in a personal God, the Bible, and Rabbinic Judaism.

Several studies confirm that a number of people who were atheists and agnostics when they went into the concentration camps emerged and made their way back to Judaism. There were those, like Rabbi Leo Baeck, who suffered the concentration camp experience with little or no affect on their personal faith. There were others, like Elie Wiesel, who lost their faith and made their way back to a new, complex relationship with God. In other words, a whole gamut of reactions are witnessed to by the survivors.

From a philosophical point of view, can we excise the Holocaust from four thousand years of Jewish experience? Dare we set up the barbarism of Auschwitz as the representative Jewish experience which determines our faith system? . . .

To set up the blackest chapter in Jewish and world existence caused by the Satanic ideology of Nazism which espouses racism, brutality, and barbarism, all the things which Judaism opposed, as the paradigmatic experience for Jews, is to grant Hitler his posthumous victory in the most cruel and destructive way. I realize that Stephen Jacobs personally remains committed to the Jewish future for he is, after all, a rabbi. But what kind of Jewish future is left without a commander or creator, without *mizvot* and morality rooted in the universe, without source or purpose in life? To put it bluntly, he has cut out the guts of historic Judaism and has left us with a ghostly apparition, incapable of meeting the challenges of our time or providing guidance for future generations . . .

It was in confronting the enormity of the evil of the Holocaust during the Nuremberg trials that the Allies reached out beyond positive state law, i. e., the law governing the Nazi regime, to a higher law—a natural law which transcends the power of the state

in order to bring judgment to the Nazi war criminals. In that act they asserted that, beyond the hell of the death camps, there stands a higher law or, as we might say in Judaism, a *Mezaveh*, a commander, and *mizvot*, commandments, which cannot be swept aside, before Whom all of us stand in judgment. Without God, Nuremberg becomes simply a matter of victor and vanquished rather than the vindication of good over evil. The hunters of Nazis like Wiesenthal, the Eichman and Barbie trials, and other war crime events are not exercises of vengeance or emotional catharsis, but represent a significant human attempt to assert the transcendent nature of moral values and the human enterprise. To compound the crimes of the Holocaust by surrendering our faith is to seal our future.

For me, the great lesson of Auschwitz is the limitless depths to which men can fall when they deliberately and willfully reject and rebel against the commander. In the light of these facts, the need for historic Judaism and its faith and philosophy is not made obsolescent by this tragedy, but is made even more critical.

This is no time to give up the biblical rabbinic enterprise but, rather, to refine it and reaffirm it. This is what the State of Israel comes down to in the twentieth century. The Jews, in spite of everything, believe in the future of all mankind. No doubt, the Jewish people and humanity stand in crisis. We are placed literally between the choice of life and death and we are all in the same boat in this atomic, hydrogen, computer-driven age. In spite of the black clouds which threaten us, we are prisoners of hope, a hope which goes back to Sinai, and it leads to the Messianic Age, a hope based on Commander and commandments and a caring, loving God. But this faith requires commitment and courage and compassion on our part. We Jews cannot win the struggle by ourselves, but . . . neither are we free to desist from the effort and to surrender our faith

to those who sought to bury Judaism together with Jews, in the mass grave of the *Hurban*, the destruction.

HERBERT ROSE

Boulder, Colorado

No Judaism Without God

TO THE EDITOR OF JUDAISM:

My understanding of Rabbi Jacobs' thesis is that, since the events of the Holocaust, he can no longer bring himself to pray to or accept the validity of a "Commander God." Unable to justify the presence of a "Commander God," Rabbi Jacobs goes on to assert that "There are no commandments emanating from that God." For Rabbi Jacobs the only valid "commandments" are those which he, and others like him, voluntarily choose to accept in order to be "positively-affirming Jews."

Surely Rabbi Jacobs is not alone in having such convictions. I was reminded of Elie Wiesel's gripping passage in his novel, *Night*, in which he describes the Nazis hanging a young boy in the death camp. "For more than half an hour he stayed there struggling between life and death, dying in slow agony under our eyes. And we had to look him full in the face. He was still alive when I passed in front of him. His tongue was still red, his eyes were not yet glazed. Behind me I heard the same man asking: 'Where is God now?' And I heard a voice within me answer him: 'Where is He? Here He is—He is hanging here on this gallows . . .'"

Yet, I also remember . . . another young person and her words of faith. Anne Frank wrote on April 11, 1944, "Who has inflicted this upon us? Who has allowed us to suffer so terribly up till now? It is God that has made us as we are, but it will be God, too, who will raise us up again . . . God has never deserted our people."

In Rabbi Jacob's "God wrestling" or, perhaps, "Commander God" rejection, I wonder if he has fully considered another rabbi's attempts to come

to grips with the problems of theodicy that he raises. The late Rabbi Milton Steinberg wrote, "God is indubitably the power of rationality, of design, of order, of meaningfulness, of creativity, yet traditional concepts of God . . . are somehow inadequate to deal with the problem of evil." Rabbi Steinberg believed that God is not all powerful and that the presence of evil revealed that there are limitations which God imposes upon God's own divine powers. Limited theism sees evil, the Holocaust in Rabbi Jacob's case, as being "the still unremoved scaffolding of the edifice of God's creativity." Rabbi Jacobs chooses to displace the builder, the "Commander God," from the building site because of that "unremoved scaffolding." In so doing, he dismisses the other positive aspect of limited theism, namely, that evil becomes the ongoing challenge to both God and humanity to work together to eradicate it from the face of the earth.

Ultimately, I am led to wonder why Rabbi Jacobs, having denied a "Commander God" and that God's commandments, even bothers to indicate six criteria or standards which he advocates using "to incorporate commandments into our Jewish lives."

What is the sense of commandments if there is no Commander? Why bother arguing from an aesthetic point of view to maintain smelling the Havdalah spices if the entire *raison d'être* behind the Shabbat is dismissed? If Shabbat is directly connected to *Maasay Berayshit* and the attendant rest from those labors, what is the rationale for carrying out a Havdalah ceremony when we deny the principle of a spiritual Force, or Presence or Creator—Commander God which is implicit within Shabbat?

I contend that all of the criteria or standards which Rabbi Jacobs selects flow from an awareness of God. Why, then, make the effort to "reach toward God" to achieve in Rabbi Jacobs' words, "permanence" or "immortality" if he dismisses that same God?

If the traditional "Commander God" is dead for Rabbi Jacobs, what replaces the God figure? Is it merely a homocentric based Judaism that he is espousing? If he is then advocating that "the reality of my world is that there is no longer any authority structure, other than that to which I would willingly subject myself, that has any authority over me," is he then not holding out to us the validity of a subjective anarchy that simply calls itself Judaism without any rootedness in any kind or form of Ultimacy?

Even when the sages of blessed memory wrote in God's name in the Midrash, "would that they forsake me and keep my commandments," one still felt a sense of connection between the people of Israel and its God. In reading Rabbi Jacobs' article, I am left adrift without any such connection. If this be so, whether or not the Jewish people can physically and spiritually survive, as Rabbi Jacobs would have us do, is open to serious question. In the absence of a "Commander God," does not the entire structure of the covenantal relationship between God and Israel collapse and naught but an overwhelming sense of spiritual *galut* remain?

SAMUEL WEINGART

West Lafayette, Indiana

A Response to the Critiques

TO THE EDITOR OF JUDAISM:

Colleagues Rose and Weingart honor me by taking seriously the position articulated and advocated by me in the Summer, 1988 issue of JUDAISM, i.e., that, in light of the Shoah, the only *mizvah*, if, indeed, it is even appropriate to use that term, is that of *study*, to deepen one's knowledge of what it means to be a Jew in order to make conscious, and, ultimately, subjective decisions about the kind of Jew one wishes to be; and that Jewish behavior must now posit a different rationale for action, Jewish doing, for the Jew who wishes positively to affirm his/her Jewish self and identify in a world

where the historically-traditional notion of Divine authority is no longer applicable. I, likewise, suggested six such criteria. Nevertheless, neither Rose nor Weingart, however, address the central issue of this paper—Whether a child of a survivor can affirm Jewish behavior according to *any* historically-traditional understanding?—or the larger question—Whether any one can affirm Jewish behavior according to traditional understandings of God in light of the Shoah? Ironically perhaps, but certainly most interestingly, both Rose and Weingart are representatives of a non-halakhic movement (i.e., Reform Judaism) whose entire authority structure is subjective at best, and, therefore, extremely problematic when it comes to such core notions as *mizvah* as the commanded act of God, God as the *Mizaveh* or Commander, and the individual Jew as the *mizuveh* or the commanded respondent for such behaviors.

Turning directly to Rabbi Rose's concerns: My criticism of historically-traditional Judaism and its understanding of God as *Mizaveh* is not to "strike at the very foundation of the Jewish enterprise," but, rather, to acknowledge that, for *this* child of a survivor, those answers are no longer satisfactory for one who wishes to affirm his Jewish self positively and take his place within the family of the Jewish People. Appeals, therefore, to those survivors who neither lost their faith nor saw it diminished will not now suffice; even Reeve Robert Brenner, in his book, *The Faith And Doubt Of Holocaust Survivors* (New York, Macmillan, 1980), acknowledges that there were, also, those who saw their faith destroyed or diminished. My concern, religiously, is with the Second Generation, the "inheritors" of this awesome and awful historical legacy. How do *we* now make our way religiously? And what about those of us who cannot "pray as our grandparents—pious Jews murdered by the Nazis before our birth—prayed?" Is there no place for us in the world of religious Jews be-

cause we cannot affirm that which those who “believe in a personal God, the Bible, and Rabbinic Judaism” do?

“From a philosophical point of view,” to quote Rabbi Rose, the question we must ask is whether or not the Holocaust is **unique** in the annals of Jewish history . . . and, therefore, is an event which demands unique responses on the part of our Jewish People in all areas where it chooses to act—including the religious. Alan Rosenberg has already addressed most succinctly this question of “uniqueness” and stressed “four kinds of evidence:”

. . . the simple fact of the size and scope of the destruction . . . the means employed in the Holocaust . . . the varied physical and psychological qualities used to reduce the intended victims to their barest physical qualities as “objects” . . . the vast and determined attempt by the Nazis to transform the victims into the image that the Nazis had of them (p. 156).¹

As an historian, I would also argue that the Holocaust was unique in the evolution of its anti-Semitism from pre-Christian notions of social and cultural anti-Semitism through Christian religious and theological anti-Semitism through post-Christian notions of political anti-Semitism to the Nazis’ exploitation of “biological” anti-Semitism. Not what we did, how we behaved, how we practiced our faith and its rituals and ceremonials was at issue, but what we were was at the root of all that afflicted the Western world. “Jewishness” was a physical component of the individual, part of our very lifeblood and, thus, could no more be changed than could amputation of limb

render the individual a whole human being. “Race-mixing” between Jew and Aryan, according to the Nazis, had to result in an inferiorization and mongrelization of the Aryan race; there was simply no other way to perceive that negative relationship.

Philosophically and historically, therefore, this unique event may be said to be a transformational event, one which calls forth responses, both positive and negative, because the reality of our world has now changed dramatically from what it was previously, whether we like it or not. I, too, do not wish to ignore Jewish history, but previously comforting answers to past tragedies do not address the singular uniqueness of the Holocaust for some among us, especially when appeal is made in historically-traditional terms.

(Parenthetically, therefore, appeals to God’s commitment to human free will pale into relative insignificance when contrasted with the Torah’s position of a God responsible for liberating us from the hell of Egyptian slavery, who heard our plaintive cry in that land and responded to it, but, seemingly, failed to do so—or, perhaps, more frighteningly, chose not to do so—in the hell of modern Europe. Does such a God not lose credibility to command the children and grandchildren of martyred loved ones?)

Like, Rabbi Rose, I, too, am extremely uncomfortable with making the Holocaust a paradigmatic foundation for positive Jewish action and belief. But my own faith in the continuous resilience of our Jewish People also impels me to accept an understanding that even such a powerful and potent negative event, which calls forth a profound re-examination of that which is sacred to our continued survival, will result in blessing to us . . .

Lastly, I have, in no way, “cut out the guts of historic Judaism and left us with a ghostly apparition.” I have suggested that what is now needed in our contemporary, post-Holocaust Jewish world is a re-thinking of the rationale for Jewish doing and Jewish

1. Alan Rosenberg, “Was the Holocaust Unique?: A Peculiar Question,” in Isidor Wallimann and Michael N. Dobkowski, eds. *Genocide and The Modern Age: Etiology and Case Studies of Mass Death* (New York: Greenwood Press, 1987), pp. 145–161. Reviewed by me in *Judaica Book News*, Volume 18, Number 2, (Spring/Summer 1988/5748): 29–33.

belief. There are other sources and reasons to affirm both (e.g., history and tradition, to cite two), but appeals to a Divine Commander, for some among us, will not be one of them.² My faith in our Jewish People is strengthened and renewed by our historical experience, specifically, the creation of Israel itself, the result of many motivations, literally the phoenix arising out of the ashes of the Holocaust. I, also, demand, therefore, a **different** understanding of God and God's relationship to humanity, particularly the Jewish People, so that I, too, may be included in our future.

Rabbi Weingart, in turn, raises similar, but, ultimately different concerns: He is, however, far too cavalier in his dismissal of me and my own understanding of "limited theism." In my own evolution of God as *Borei olam*, that God chose, for reasons which we do not fully comprehend, to "withdraw into itself" and create our world, one of possibility and potential. That act of withdrawal, however, saw at that very same moment the construction of an impenetrable barrier between God and the human community. God's commitment to this act of creation, therefore, was, ultimately, to surrender any notion of interaction and intervention into the affairs of humanity. The Shoah, like the creation of the State of Israel itself, *l'havdil*, is the result of human enterprise, calling forth the potential inherent in the human person. Prayer, therefore, as appeals

for divine intervention, must be regarded, historically and ultimately, as futile gestures. God is not to be blamed either for the orchestration of the Shoah or for the failure or refusal to act; the Shoah, like all human activity subsequent to the initial act of creation, is the result of human doing. The goal of prayer, then, is to give thanks for creation; the goal of human activity is to work towards the eradication of evil which impedes the drive towards harmony with the universe.

As to why I have, at least initially, chosen to address this concept of *mizaveh*—*mizvot*—*mizuveh*, I regard its evolution as central to an historically-traditional notion of Judaism, one which is no longer applicable to Jews in light of the Shoah. Whether it was, in fact, a correct understanding of the historical relationship between God and the Jewish People is, for me, highly doubtful; the only certainty which I am prepared to affirm is that, prior to the Shoah, this understanding did sustain our People in times of trauma and enabled us to overcome tragedy and move forward. To regard that understanding as still applicable is highly problematic, at best, and no longer comforting at worst.

I have also chosen to address a rationale for the continued affirmation of Jewish doing because I am, also, convinced that our continuing survival as Jews in this world will be dependent upon how we act—in response to our own self-perceptions and in response to both our friends and our enemies—and, that, while anti-Semitism continues to rear its ugly head, we must concretely, through our actions, combat the Nazi notion of Judaism as biological phenomenon. Religiously, the *kesher*, the bond, that we Jews will make with each other must now be based on a solid understanding that we act as Jews because we choose to act as Jews, drawing upon the collective insights and literature of all previous generations of Jews. Appeals to God to insure our future survival in light of the Shoah may prove

2. Mordecai Bar-On has already explored these distinct possibilities in a three-part analysis which appeared in the *Reconstructionist* under the title, "The Commandments and the 'Commander'," (October, 1977): 7-12; 31; (November, 1977): 24-30; and (December, 1977): 17-24. Interestingly enough, Misha Louvish translated Bar-On's lengthy essay and has himself recently addressed this very topic from the perspective of a secularist. See Misha Louvish, "The Problems of a Secular Jew" in *The Jerusalem Post*, International Edition, (15 October 1988): 10.

comforting and sustaining to some; it will not prove so to all.

I would contend, as would Rabbi Weingart, that my position necessitates a rethinking of the covenantal relationship between God and the Jewish People. The contractual understanding of our willingness to affirm certain behaviors in exchange for divine protection is precisely what must be rethought in light of the Shoah. Theologically, would we not, conversely, come perilously close to a rationale for the Shoah as the result of Jewish failure to honor our historical covenantal commitments? Such a conclusion could, I believe, be derived from a Torahitic understanding of covenant, one which, I likewise believe, even the most literal among us would hesitate to affirm. (Equally problematic, however, is Irving Greenberg's "voluntary" covenant, though it does, to be sure, come closer to an honest description of present-day Jewish reality than anyone else's with which I am familiar.³) Better, then, to

think in terms of a new understanding of covenant, "a covenant of thanksgiving," whereby Jews affirm those initial acts which enabled us to come into being as a singularly unique and distinctive collectivity, possessed of the potential to sustain ourselves and withstand onslaught after onslaught. By extension, we must take this concept of covenant and use it to enter into relationship with **all** other peoples to whom we can relate, for their survival as well as our own. Out of such a rethinking may very well come a new synthesis of God, Torah, and Israel.

STEVEN L. JACOBS

Birmingham, Alabama

3. Irving Greenberg, "Cloud of Smoke, Pillar of Fire: Judaism, Christianity, and Modernity after the Holocaust," in Eva Fleischner, ed., *Auschwitz: Beginning of a New Era? Reflections on the Holocaust* (New York: Ktav Publishing House, 1977), pp. 7–57.



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The Stairway

DAVID SPARENBERG

Man is a ladder set up between heaven and earth. He is a stairway of ascending and descending messengers, whose thoughts reach beyond the stars, whose body can cultivate the elements, uniting above and below in a single harmony. He can, when he will, this isthmus of humanity, climb his own ladder, traverse the spiral of creation and bear in his soul the adorational verb of purposive fulfilment.

A man can become a Jacob, who awakens in the arms of a mighty angel, and casts off the sleep of arrogance and fear. . . .

The light of a candle burning
the light below
and the light above
I light this candle in love.

I light this fire to return to you
I speak this unspoken word
uniting fire to fire
fire spiralled into fire.

The fire is the light
of God's Holy fire
His fire burns
into your fire
your fire burns
to Him.

My heart is crumbled, is broken
is broken in humility before
the countenance of my Father the King
before the eyes of the Living God.
My heart is crumbled, it is broken
is opened in fire by fire.

The light of a candle burning
the light of a lovelamp bright
a little
candleflame burning
light! . . .
light spiralled into light.

DAVID SPARENBERG is a student, and sometimes teacher, of Kabbalah. He is also the Director of a "non-political" peace organization.

Some Books Worth Noting

The Early Christian Era

Horsley, Richard A. and John S. Hanson. *Bandits, Prophets, and Messiahs. Popular Movements at the Time of Jesus.* Minneapolis, Minn.: Winston Press, Inc., 1985. xxviii + 271 pp., \$28.85.

A myth about history is that great men, the “movers and shakers” of the world, are the ones who bring about the great changes. Perhaps so; but, sometimes, equally important are the “lower classes” who represent the mass of the population. In this intriguingly titled work, the authors look at those figures who were “anti-social,” and whose influence could easily lead to revolt. Bandits, prophets and messianic figures abounded among the Judean peasantry at the beginning of the Common Era and were part of that extraordinary social, political and religious world out of which both Christianity and Rabbinic Judaism developed.

Israel Today

Elazar, Daniel J. *The Other Jews. The Sephardim Today.* New York: Basic Books, Inc., 1989. xii + 236 pp., \$21.95.

Luz, Ehud. tr. from the Hebrew by Lenn J. Schramm. *Parallels Meet. Religion and Nationalism in the Early Zionist Movement, 1882–1904.* Philadelphia: Jewish Publication Society, 1988. xix + 365 pp.

A new and unexpected development in Israeli society is the shift in proportion between the Sephardim and the Ashkenazim. The former are now in the majority and, by their achievements, are giving the lie to the cliché view of them as being not on a par with the Ashkenazim. The author, himself a Sephardi, points out the rich history of the Sephardic communities and anticipates the many advantages to the Jewish world—both in Israel and in the Diaspora—when the East and the West not only meet, but the separations between them disappear.

The current split between religionists and secularists in Israel is not new. From the very beginnings of the Zionist movement there were Jews who opposed its aims and, once the movement was launched, there were differences of approach within it. The result was a splintering into parties, all of whom hoped for the establishment of a state. Perhaps the unity of goal which helped those parallels meet will be a guideline for our day, as well.

Parallels Meet received the 1986 Shazar Prize of the Israeli Historical Society and was recently translated into English.

Jewish History

Hertz, Deborah. *Jewish High Society in Old Regime Berlin.* New Haven: Yale University Press, 1988. xiv + 299 pp., \$30.00.

Newby, Gordon Darnell. *A History of the Jews of Arabia.* From Ancient

Times to Their Eclipse Under Islam. Columbia, South Carolina: University of South Carolina Press, 1988. xii + 177 pp., \$34.95.

Pinkus, Benjamin. *The Jews of the Soviet Union*. The history of a national minority. New York: Cambridge University Press, 1988. xviii + 397 pp., \$34.50.

What distinguishes Jewish history from any other national history is longevity plus international presence. From the days of Abraham until 1989 (and beyond, we hope) is an unmatched record. And, in all of those years, Jews have lived all over the world, so that any one work which hopes to record all of Jewish history must move in time and in space simultaneously. Most historians prefer to limit their scope to a particular geography or time span, as is apparent in the three works listed above.

In order of the chronology covered, Newby discusses Jewish history in the land that was rich in incense—particularly frankincense and myrrh. The history of the Jews in Arabia begins with the legend that they came after the destruction of the Second Temple. Ultimately, they flourished there, though, by the time of Muhammad, their status had declined. Nonetheless, they exerted much influence on the attitudes that Muslims held toward Jews for many centuries.

The book is heavily documented, but references are all at the end, so that the non-scholarly reader may move easily through the text, while the researcher can find everything authenticated.

A much more glamorous period in Jewish history is discussed in the book by Deborah Hertz and the reader already knows what to expect both from the title and the elegant portrait of Henriette Herz which appears on the jacket. In the years 1780–1806, a small group of Jewish women, who were both rich and cultured, had “salons” in which the most important people in political and intellectual life came together. This quarter-century of Jewish female influence is unparalleled in any national history. Unfortunately, it came to an end with the rise of anti-Semitism in Prussia after 1806.

The most current of these three books deals with the unhappy history of the Jews in the Soviet Union, from 1917 to the present. The subtitle refers to “a national minority.” It could just as well have referred to it as “an oppressed minority.” Though the photograph on the dust jacket shows a middle-aged man reading from the Torah scroll, such an event was extraordinary and was recorded just for that reason. But, despite the oppression, Jews maintained their identity and clung to their heritage as well as they could and, in some instances, heroically.

Like the Newby book, this one, too, is heavily documented, but like it, also, the references are at the end.

R.B.W

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